

Exhibit F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHABTAI SCOTT SHATSKY, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.
) 1:02-CV-02280 (RJL)
THE SYRIAN ARAB REPUBLIC, et al.,)
)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF

JAWAD AMAWI

JERUSALEM, ISRAEL

SEPTEMBER 6, 2012

REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243

SEPTEMBER 6, 2012 - JAWAD AMAWI

1 Videotaped deposition of JAWAD AMAWI, taken
2 in the above-entitled cause pending in the United
3 States District Court for the District of Columbia,
4 pursuant to notice, before BRENDA MATZOV, CA CSR 9243,
5 at the American Colony Hotel, Pasha Room, Jerusalem,
6 Israel, on Thursday, the 6th day of September, 2012,
7 at 9:44 a.m.

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9
10 APPEARANCES:

11 FOR PLAINTIFFS:

12 LAW OFFICES OF DAVID I. SCHOEN
13 By: DAVID I. SCHOEN, ESQ.
2800 Zelda Road
Suite 100-6
14 Montgomery, Alabama 36106-3700
(334) 395-6611 / Fax (917) 591-7586
15 dschoen593@aol.com

16
17 FOR DEFENDANTS:

18 MILLER & CHEVALIER CHARTERED
19 By: CHARLES F.B. MCALEER, JR., ESQ.
MARK J. ROCHON, ESQ.
655 Fifteenth Street, NW
20 Suite 900
Washington, DC 20005-5701
21 (202) 626-5800 / Fax (202) 626-5801
cmcaleer@milchev.com
22 mrochon@milchev.com

1 APPEARANCES (Continued):

2 ALSO PRESENT:

3 MITCHELL COOPERSMITH, Videographer

4 SHIMON BEN-NAIM, Official Arabic Interpreter

5 ALBERT AGHAZARIAN, Official Arabic Interpreter

6 GEORGE HAZOU, Check Arabic Interpreter

7 MORDECHAI HALLER, Advocate

8 AVI LEITNER, Advocate

9 DINA ROVNER, Advocate

10 RACHEL WEISER, Advocate

11 OSAMA SAADI, Advocate

12 JONATHAN ARNON, Advocate

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I N D E X

WITNESS

Jawad Amawi

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P R O C E E D I N G S

THE VIDEOGRAPHER: This is the videotape deposition of Jawad Amawi, taken by David Schoen, in the matter of Shatsky versus Syrian Arab Republic, held at the American Colony Hotel, Jerusalem, Israel, September 6, 2012.

The court reporter is Brenda Matzov. The videographer is Mitchell Coopersmith.

Will counsel now state their appearance.

MR. SCHOEN: For the plaintiff, I'm David Schoen, S-c-h-o-e-n. And with me is -- with me is Avi Leitner, U.S. counsel -- co-counsel Dina Rovner and Rachel Weiser. And Mordechai Haller is also with me, Israeli counsel.

MR. McALEER: Good morning.

My name is Charles McAleer, with the law firm of Miller & Chevalier. I'm counsel for the deponent today, Mr. Jawad Amawi, who's appearing here today as a designee of the Palestinian Authority, pursuant to the Second Amended Notice of Deposition to the Palestinian Authority, dated August 2nd, 2012, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

Specifically, Mr. Amawi is being tendered

09:45:44 1 today as a designee with respect to Categories 6, 7,
09:45:51 2 11, and 12 of the Second Amended Notice.

09:45:59 3 I am here today with my colleague and partner,
09:46:03 4 Mr. Mark Rochon. Also with us here today, as counsel
09:46:12 5 for the Palestinian Authority and the PLO, is Mr. Osama
09:46:18 6 Saadi. And we're joined today as well by our local
09:46:24 7 counsel, Mr. Jonathan Arnon.

09:46:27 8 The check translator here today is Mr. George
09:46:30 9 Hazou.

09:46:33 10 I'd like to just take one moment to note for
09:46:36 11 the record that, while I appreciate Mr. Coopersmith's
09:46:42 12 announcement at the beginning of the deposition, the
09:46:45 13 defendants disagree with the indication that the
09:46:49 14 deposition is proceeding in Jerusalem, Israel, for
09:46:54 15 reasons we've previously stated on the record. We're
09:46:59 16 appearing here today at the American Colony Hotel in
09:47:02 17 East Jerusalem.

09:47:04 18 And, Counsel, may I just request that you
09:47:07 19 indicate in what relationship the other two attendees
09:47:13 20 who are here have to the case other than, of course,
09:47:16 21 Mr. Haller and Mr. Leitner.

09:47:20 22 MR. SCHOEN: Yes. Ms. Rovner and Ms. Weiser
09:47:22 23 are co-counsel now in the case. They are just joining
09:47:27 24 the case now.

09:47:30 25 MR. McALEER: And -- and with what law firm

09:47:30 1 or organization are they associated?

09:47:31 2 MR. SCHOEN: None really. Just working with
09:47:32 3 us independently.

09:47:33 4 MR. McALEER: So they -- they are not employed
09:47:35 5 by any law firm or organization?

09:47:38 6 MR. SCHOEN: I don't know the answer to who
09:47:39 7 they're employed by.

09:47:41 8 MR. McALEER: Well, I -- Mr. Schoen, I
09:47:42 9 appreciate you may not know. But I would ask of
09:47:47 10 the other counsel that you have here, Mr. Haller and
09:47:50 11 Mr. Leitner, whether they're aware of the organization
09:47:54 12 or entity by which these two additional counsel are
09:47:59 13 employed.

09:47:59 14 MR. SCHOEN: I'm not sure all of those
09:48:01 15 details have been worked out yet. Certainly no
09:48:02 16 other outside organization. They'll be working
09:48:04 17 with us on the team. They don't work for any other
09:48:07 18 sort of outside organization or any other law firm
09:48:08 19 on it.

09:48:09 20 MR. LEITNER: They're working for the law
09:48:14 21 office of Nitsana Darshan-Leitner.

09:48:17 22 MR. McALEER: For the -- for the record,
09:48:17 23 in case that wasn't picked up, Mr. Leitner indicated
09:48:20 24 that the two additional counsel, who Mr. Schoen just
09:48:27 25 introduced, are employees of the law offices of Nitsana

09:48:32 1 Darshan-Leitner.

09:48:34 2 MR. SCHOEN: And one other just housekeeping
09:48:36 3 point. I think you probably said this the first time.
09:48:38 4 The second time you referred to just the Second Amended
09:48:41 5 Notice of Deposition. But I'm sure you said the first
09:48:44 6 time "to the PA."

09:48:45 7 I just want to be clear that's the Notice
09:48:47 8 of Deposition that we're talking about, the August 2nd
09:48:49 9 Second Notice of Deposition to the PA.

09:48:52 10 MR. McALEER: That is correct.

09:48:54 11 MR. SCHOEN: We also have two other
09:48:55 12 translators here today who we didn't introduce,
09:48:59 13 but the same guys from yesterday, Albert and Shimon.

09:49:05 14 MR. McALEER: Why don't we have both of them
09:49:07 15 introduce themselves for the record with their full
09:49:07 16 names.

09:49:08 17 OFFICIAL INTERPRETER AGHAZARIAN: Albert
09:49:08 18 Aghazarian, interpreter.

09:49:10 19 OFFICIAL INTERPRETER BEN-NAIM: Shimon
09:49:12 20 Ben-Naim, interpreter, translator.

09:49:15 21 MR. McALEER: And then may I just finally
09:49:17 22 ask Mr. Coopersmith: At what time did we go on to
09:49:20 23 the record?

09:49:21 24 THE VIDEOGRAPHER: We went on the record
09:49:22 25 at 9:44.

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ALBERT AGHAZARIAN

-and-

SHIMON BEN-NAIM,

the Official Arabic Interpreters, were
duly affirmed to translate from English
to Arabic and from Arabic to English.

JAWAD AMAWI,

called as a witness, being first duly
affirmed, was examined and testified
as hereinafter set forth.

(The following proceedings were conducted
through the Official Arabic Interpreters, unless
otherwise indicated.)

EXAMINATION

BY MR. SCHOEN:

Q. I introduced myself privately earlier. But
I'm David Schoen, representing the plaintiffs in this
case.

Would you please state your full name?

A. I am Jawad Amawi. I am a lawyer, and I
represent the PA as a legal advisor.

Q. Mr. Amawi --

09:50:41 1 MR. HALLER: Did he say the ministry?

09:50:43 2 (Comment in Arabic by Official Interpreter
09:50:43 3 Ben-Naim.)

09:50:48 4 THE WITNESS: In the Ministry of Detainees
09:50:52 5 of the PA.

09:50:54 6 Q. BY MR. SCHOEN: If I mispronounce your name,
09:50:57 7 I hope you'll --

09:50:58 8 CHECK INTERPRETER HAZOU: He did say.

09:51:00 9 Q. BY MR. SCHOEN: -- I hope you'll correct me.
09:51:01 10 Amawi?

09:51:03 11 A. Amawi.

09:51:03 12 Q. Amawi.

09:51:03 13 Mr. Amawi, how old are you?

09:51:07 14 A. Forty-four years.

09:51:09 15 Q. And where do you live?

09:51:13 16 A. In Qalansuwa.

09:51:17 17 Q. Where is that?

09:51:23 18 A. It's an Arab town inside Israel, close to
09:51:27 19 Netanya.

09:51:30 20 Q. Where did you go to school, from high school
09:51:34 21 forward, let's say?

09:51:50 22 A. I studied my elementary education in Bal'a
09:51:55 23 school, as well as my preparative period. And I did
09:52:00 24 my school finishing studies in Tulkarem.

09:52:03 25 Q. And you're a lawyer; right?

09:52:08 1 A. Yeah.

09:52:09 2 Q. Where did you go to law school?

09:52:16 3 A. In the Jordanian university.

09:52:18 4 Q. Let me ask you: Do you feel you need an
09:52:21 5 interpreter/translator today?

09:52:28 6 A. Certainly. For sure.

09:52:32 7 Q. How long have you been a lawyer?

09:52:38 8 A. Eighteen years.

09:52:41 9 Q. And would you tell me, please, how you've
09:52:46 10 been employed since you became -- since you finished
09:52:51 11 law school?

09:53:09 12 A. After I finished my studies, I did a training,
09:53:11 13 internship in Jordan. Then I returned here to our
09:53:23 14 country Palestine, and I did training in Ramallah.
09:53:32 15 I worked with several institutions during this period.
09:53:38 16 I worked with the Mandella institution that deals with
09:53:42 17 detainees. I worked with different institutions that
09:53:54 18 are concerned with such issues, including Beit Sharq,
09:53:58 19 that deals with detainees.

09:54:12 20 In 1994, I had my own office with a private
09:54:18 21 colleague in Tulkarem. I proceeded in this office --
09:54:28 22 in this law firm from 1994 until 2000. There were
09:54:45 23 incursions in 2001 and 2000, and our office became
09:54:51 24 like a military post for the Israelis. Practically
09:55:00 25 there was no work at home -- in the office. I was

09:55:03 1 working at home for only specific cases in a limited
09:55:12 2 way because the whole court system were blocked and
09:55:16 3 everything was paralyzed in this period.

09:55:22 4 In 2001, I worked with Al-Hoc [sic] --
09:55:26 5 Qanun -- Al-Qanun, the law institution in the field
09:55:33 6 of defending Palestinian detainees. My work continued
09:55:43 7 with Al-Qanun institute for a year.

09:55:48 8 After that, I moved to be engaged in a project
09:55:57 9 that was financed by the UNICEF, which was concerned
09:56:06 10 with defending children detainees held in Israeli
09:56:12 11 prisons. And this program was conducted jointly with
09:56:19 12 the ministry of -- Palestinian Ministry of Detainees.
09:56:28 13 I was a director of this program, and at the same time,
09:56:31 14 I was an attorney, the legal -- the legal director,
09:56:37 15 in parentheses.

09:56:45 16 This program proceeded for three years by --
09:56:48 17 financed by the UNICEF. Later than -- than that,
09:56:58 18 it was financed by various European institutions --
09:57:01 19 institutions that are interested in childhood, such
09:57:12 20 as Save the Children. In 2007, this program came
09:57:24 21 to an end.

09:57:29 22 In February 2008, a decision was taken
09:57:36 23 to establish a legal management in the Ministry of
09:57:39 24 Detainees. And since I have been working for an
09:57:46 25 extended period with them, I was offered to establish

09:57:56 1 and run this program. And this is what happened.

09:58:04 2 And so far I'm still engaged in this type of work.

09:58:09 3 Q. What's -- do you have a job title in the
09:58:11 4 work you have now -- you're doing now?

09:58:24 5 A. My job title officially, according to the
09:58:28 6 contract, is -- is lawyer and legal advisor, according
09:58:33 7 to the contract. But I'm assigned -- I am assigned
09:58:47 8 actually to be director general of legal affairs.

09:58:50 9 Q. With whom is your contract?

09:58:56 10 A. With the Ministry of Detainees.

09:58:58 11 Q. And the organization is the PLO or the PA?

09:59:19 12 A. It is the Ministry of Detainee Affairs, which
09:59:22 13 is part of the PNA.

09:59:25 14 Q. Just briefly, you mentioned that you worked
09:59:29 15 earlier for several institutions. And you gave two
09:59:37 16 examples, Mandella and another, Beit [sic].

09:59:45 17 Any other specific institutions that come
09:59:47 18 to mind that you worked for?

09:59:51 19 A. No, I don't. That's it.

09:59:53 20 Q. And under the category of your work on
09:59:56 21 behalf of child detainees, you -- you mentioned that
10:00:04 22 it was funded by certain European institutions, and
10:00:11 23 you mentioned Save the Children as an example.

10:00:17 24 Any other organizations that funded that
10:00:19 25 work that you remember?

10:00:38 1 A. Save the Children is spread across many
10:00:41 2 countries and -- like -- such as the Netherlands.
10:00:44 3 And I don't remember exactly which chapter of Save
10:00:49 4 the Children was supporting.

10:00:51 5 Q. The specific office that you work under now
10:00:55 6 is called Ministry of Detainees?

10:01:12 7 A. The Ministry of Detainees and Ex-detainees.
10:01:18 8 CHECK INTERPRETER HAZOU: I would say
10:01:18 9 "Ministry of Prisoners Affairs."

10:01:24 10 (Brief exchange in Arabic between Check
10:01:24 11 Interpreter Hazou and the witness.)

10:01:25 12 CHECK INTERPRETER HAZOU: "Ministry of
10:01:26 13 Prisoners Affairs and Released" --

10:01:30 14 OFFICIAL INTERPRETER AGHAZARIAN:
10:01:29 15 "Ex-detainees."

10:01:31 16 CHECK INTERPRETER HAZOU: Or "ex-detainees."
10:01:31 17 Yes.

10:01:31 18 OFFICIAL INTERPRETER AGHAZARIAN: That's
10:01:31 19 formally the name.

10:01:33 20 MR. SCHOEN: Okay. For purposes of today,
10:01:34 21 I'm going to call it the Ministry of Prison [sic]
10:01:37 22 Affairs so that we're talking about the same thing,
10:01:40 23 if that's okay.

10:01:45 24 MR. McALEER: Let me just make sure we're
10:01:47 25 clear. Did you just say "Ministry of Prison Affairs"

10:01:51 1 or "Prisoner Affairs"?

10:01:53 2 MR. SCHOEN: I said "prison," and I meant --
10:01:54 3 should have said "prisoner." But --

10:01:56 4 CHECK INTERPRETER HAZOU: "Prisoners affairs."

10:01:59 5 MR. SCHOEN: Yeah.

10:02:15 6 Q. BY MR. SCHOEN: But the main point I wanted
10:02:17 7 to make is we're talking about the same office.

10:02:26 8 Would it be fair to say that you've developed
10:02:28 9 a specialty in your legal practice of working on behalf
10:02:39 10 of prisoners or detainees?

10:02:47 11 A. Correct.

10:02:49 12 Q. And specifically with respect to the --
10:02:55 13 I'm going to call it the PNA's Ministry of Prison --
10:03:01 14 Prisoner Affairs for these purposes.

10:03:15 15 You're thoroughly familiar with the workings
10:03:18 16 of that ministry?

10:03:21 17 A. Yes. Correct.

10:03:25 18 Q. Mr. Amawi, have you ever been a prisoner
10:03:29 19 or detainee yourself?

10:03:35 20 A. Yes.

10:03:37 21 Q. When was that?

10:03:44 22 A. I was in the first preparatory class.

10:03:47 23 Q. I need just a time frame. I'm not familiar
10:03:50 24 enough with --

10:03:56 25 A. I don't remember years. I just remember I

10:03:57 1 was in the first preparatory school.

10:04:02 2 CHECK INTERPRETER HAZOU: Which is grade
10:04:03 3 seven.

10:04:03 4 OFFICIAL INTERPRETER BEN-NAIM: Junior high.

10:04:04 5 OFFICIAL INTERPRETER AGHAZARIAN: Grade seven.

10:04:06 6 MR. SCHOEN: Oh, I'm sorry. I --

10:04:08 7 OFFICIAL INTERPRETER BEN-NAIM: It's American
10:04:08 8 junior high.

10:04:09 9 Q. BY MR. SCHOEN: Yeah, yeah. I didn't realize
10:04:10 10 you were referring to the time in your life. I see.

10:04:13 11 So I'm going to call it grade seven.

10:04:16 12 In grade seven, you were arrested?

10:04:21 13 A. "Nam."

10:04:23 14 Q. By whom?

10:04:26 15 A. The Israelis.

10:04:26 16 Q. Police or another agency?

10:04:31 17 A. The police and the Army.

10:04:35 18 (Court reporter clarification.)

10:04:35 19 OFFICIAL INTERPRETER AGHAZARIAN: "The Army."

10:04:35 20 Q. BY MR. SCHOEN: Where were you living at that
10:04:39 21 time?

10:04:42 22 A. In Bal'a.

10:04:45 23 Q. And what was the reason given for your arrest?

10:04:57 24 A. That we were involved in a demonstration
10:05:01 25 coming out from school and that we raised the

10:05:06 1 Palestinian flag.

10:05:07 2 Q. Who is "we"? You and some school friends?

10:05:14 3 A. A number of pupils from the school were
10:05:21 4 detained.

10:05:22 5 Q. And you were arrested actually?

10:05:23 6 A. Correct.

10:05:24 7 Q. And where were you taken?

10:05:33 8 A. It was the Fara'a detention center.

10:05:37 9 Q. Is that a pretrial detention center?

10:05:57 10 A. It -- it combined both people who were in
10:06:00 11 a pretrial status and people who were condemned. But
10:06:05 12 most of them were -- were pretrial.

10:06:09 13 Q. Do you remember any of the police officers
10:06:11 14 who were involved in the arrest?

10:06:26 15 A. The police forces were not using correct
10:06:30 16 names. But I remember -- I remember the person that
10:06:37 17 has interrogated me. One called himself Abu Hadijah.
10:06:46 18 Of course, this is not an actual name. This is how
10:06:56 19 the situation was.

10:06:58 20 Q. The name sounds like an Arabic name?

10:07:10 21 A. All the interrogators within the Shabak,
10:07:13 22 they utilize Arabic names.

10:07:15 23 Q. But it was not an Arab -- an Israeli Arab
10:07:18 24 or an Arab person? It was a --

10:07:28 25 A. No.

10:07:29 1 Q. How soon after you were arrested were you
10:07:31 2 interrogated?

10:07:50 3 A. From the moment that I was detained
10:07:53 4 at 2:00 a.m., I was beaten up. They started the
10:07:57 5 interrogation immediately upon arrest, something
10:08:00 6 I don't forget.

10:08:02 7 Q. Do you know whether -- did you speak with
10:08:04 8 the police?

10:08:08 9 A. What do you mean I spoke with the police?

10:08:17 10 Q. Oh, what do I mean when I ask did you speak
10:08:20 11 with the police?

10:08:22 12 The police asked you questions?

10:08:24 13 A. (Witness nods head in the affirmative.)

10:08:28 14 Q. Did you answer their questions?

10:08:32 15 A. Yes.

10:08:33 16 Q. Did you also make a statement?

10:08:40 17 A. Yes.

10:08:41 18 Q. Do you know whether there was a writing made
10:08:43 19 of any statements you made?

10:08:50 20 A. Yes.

10:08:50 21 Q. Did you ever review that statement?

10:08:57 22 A. What do you mean I saw it?

10:09:01 23 Q. Did you ever have a chance to read that
10:09:03 24 statement, the writing that was made of your statement?

10:09:13 25 A. No. There was an interrogator interrogating

10:09:16 1 me. And at the end, there was a paper in Hebrew. And
10:09:19 2 he said: You have to sign this. I don't know what was
10:09:24 3 in it written, and I don't have any idea.

10:09:27 4 Q. Did you sign it?

10:09:29 5 A. Of course.

10:09:30 6 Q. Do you read Hebrew?

10:09:37 7 A. Now I read Hebrew. But at -- during that
10:09:40 8 period, I couldn't read Hebrew.

10:09:42 9 Q. Yeah. I should have asked a better question.

10:09:48 10 How long were you detained?

10:09:55 11 A. Twenty-one days.

10:09:57 12 Q. Was there a formal charge brought against you?

10:10:06 13 A. Participating in a demonstration and waving
10:10:14 14 the flag. In the legal context, it was described as
10:10:18 15 the "disruption of public order."

10:10:21 16 Q. Did you know at the time that what you had
10:10:25 17 done was illegal?

10:10:29 18 MR. McALEER: Objection.

10:10:29 19 Are you asking illegal under whose law?

10:10:36 20 Objection. The question is vague. And
10:10:44 21 counsel has not clarified it.

10:10:46 22 THE WITNESS: I do not think that the act
10:11:02 23 that I was involved in was illegal. Or, rather, I
10:11:09 24 am convinced that this is a legal action.

10:11:13 25 MR. SCHOEN: "A legal action"?

10:11:15 1 OFFICIAL INTERPRETER AGHAZARIAN: (Interpreter
10:11:15 2 nods head in the affirmative.)

10:11:16 3 Q. BY MR. SCHOEN: Do you understand it to have
10:11:17 4 been against Israeli law at the time?

10:11:28 5 MR. McALEER: Objection.

10:11:28 6 Counsel, are you asking him if he knew at --
10:11:31 7 at the time when he was in grade seven?

10:11:34 8 MR. SCHOEN: Yeah.

10:11:38 9 MR. McALEER: And, Counsel, you know, I've
10:11:39 10 let you go on for a little while on this. And this
10:11:44 11 seems well beyond any appropriate background. It's
10:11:50 12 also beyond the scope of the topics for which this
10:11:56 13 designee has been tendered here today.

10:11:59 14 So I'd object both as to the scope and the
10:12:05 15 discoverability and examination along these lines.

10:12:09 16 Do you have any proffer of -- of why you're
10:12:12 17 going into this area in this detail with this witness
10:12:17 18 now beyond the fact that it's not within the scope of
10:12:20 19 the categories for which he's designated?

10:12:27 20 Counsel?

10:12:29 21 MR. SCHOEN: Yeah. I was letting him finish
10:12:32 22 the translation.

10:12:33 23 MR. McALEER: Sure.

10:12:36 24 MR. SCHOEN: Two answers. The witness'
10:12:39 25 credibility is always at issue.

10:12:43 1 Secondly, I don't think you've let me go
10:12:46 2 beyond any level. I think this is entirely appropriate
10:12:49 3 questioning.

10:12:55 4 And, thirdly, we may disagree over this, but
10:13:00 5 I'm not limited to the scope of the subjects for which
10:13:05 6 you've designated him with respect to the questions that
10:13:08 7 I can ask today.

10:13:14 8 MR. McALEER: Well, let me just say I disagree
10:13:17 9 with your proffer as a proper basis. But we need not
10:13:20 10 debate it here.

10:13:20 11 Secondly, I'm entitled to note on the record
10:13:29 12 when you have exceeded the scope of the topics for
10:13:35 13 which the witness is designated. And whether or not
10:13:40 14 any examination you attempt to conduct beyond the
10:13:44 15 scope of those topics for which he's been designated
10:13:47 16 is appropriate is something that we will assess as
10:13:51 17 the deposition goes on.

10:13:52 18 MR. SCHOEN: Yeah. Let me say, I -- I agree
10:13:54 19 that you're entitled to note for the record just about
10:13:58 20 anything you want to note for the record. We don't
10:14:00 21 disagree over that.

10:14:03 22 And my intention is to go forward. And if
10:14:09 23 you believe that a question is improper or that I've
10:14:12 24 exceeded the scope or some other reason, you'll enter
10:14:16 25 your objection as you think appropriate. And you'll

10:14:20 1 make a decision as to whether to instruct the witness
10:14:23 2 not to answer or proceed otherwise.

10:14:29 3 MR. McALEER: And as to this line of inquiry,
10:14:32 4 I have noted my objection. And notwithstanding the
10:14:37 5 proffer from counsel, which I appreciate, I maintain
10:14:42 6 my objection.

10:14:43 7 MR. SCHOEN: Let me --

10:14:46 8 MR. McALEER: And -- and I maintain my
10:14:48 9 objection. I'm not instructing the witness not to
10:14:51 10 answer, at least this immediate line. But I would
10:14:59 11 ask, Counsel, that you proceed to the topics for which
10:15:03 12 the witness has been designated.

10:15:07 13 MR. SCHOEN: I wish you hadn't added the last
10:15:14 14 part, frankly, because I was going to say that I'm about
10:15:17 15 to move off of this area. But I don't want to be in
10:15:20 16 a position of taking direction from you as to how I'm
10:15:23 17 going to proceed today.

10:15:24 18 So I'm -- I believe I'm entitled to ask him
10:15:27 19 questions about his background. I intend to move along
10:15:31 20 because I would like to make this process move along
10:15:34 21 as quickly as I can for the convenience of everyone
10:15:37 22 and because I think it's the right thing to do.

10:15:51 23 Q. BY MR. SCHOEN: Is there any other time
10:15:52 24 during which you have been detained?

10:16:07 25 A. No.

10:16:08 1 Q. You've testified before in a deposition;
10:16:10 2 correct?

10:16:15 3 A. Yes.

10:16:16 4 Q. How many times?

10:16:18 5 A. Twice.

10:16:19 6 Q. And -- in the Saperstein case, if you recall?

10:16:26 7 A. I don't remember exactly.

10:16:27 8 Q. The Klieman case, K -- K-l-i-e-m-a-n?

10:16:35 9 A. Yes.

10:16:35 10 Q. And on those occasions, you also appeared
10:16:38 11 as a designee or witness on behalf of either the PLO
10:16:44 12 or the PNA?

10:16:59 13 A. I used to represent the PA.

10:17:02 14 Q. In those circumstances when you testified
10:17:04 15 at those depositions?

10:17:12 16 A. Correct.

10:17:14 17 Q. Today does your salary come from the PNA,
10:17:17 18 if you get a salary?

10:17:25 19 A. Correct.

10:17:30 20 Q. May I ask what your salary is?

10:17:40 21 A. I apologize to answer. This is a private
10:17:42 22 matter. The conditions of the contract are that they
10:17:51 23 should be secret and no one is allowed to release it.

10:17:56 24 Q. The contract -- the employment contract
10:17:58 25 you have with the PNA provides that the terms of your

10:18:01 1 compensation and other terms of the contract are to
10:18:12 2 be kept secret?

10:18:27 3 A. Yes. That this is a contract between two
10:18:29 4 parties and it should not -- it should not be revealed.

10:18:37 5 Q. Do you recall whether that was at your
10:18:39 6 request, or was it the request of the PNA?

10:19:08 7 A. I have arranged the contracts. And -- and
10:19:11 8 I have put within the establishment of this department
10:19:15 9 that the -- the -- the -- the items will be discrete
10:19:22 10 as a lawyer. And in order that you don't go with your
10:19:34 11 thinking very far upon this point -- so that -- so that
10:19:39 12 you don't waste your time with questions that will not
10:19:43 13 lead anywhere, the contract was placed because we have
10:19:51 14 a number of lawyers that are functioning. And, very
10:19:58 15 clearly, the tasks of every lawyer and the -- the
10:20:01 16 circumstances differ from one and the -- and the other.

10:20:10 17 So that -- so that -- so that X will not
10:20:14 18 tell to Y, "Why did you give him a 50 and you gave
10:20:18 19 the other 100?" -- so in order to have my mind calm,
10:20:25 20 so I don't have any headache, I have discrete contracts
10:20:29 21 so that I don't get trouble. But since it is contained
10:20:37 22 within the contract, it becomes binding to all parties
10:20:42 23 concerned.

10:20:43 24 Q. Uh-huh. Just give me one minute, please.

25 //

10:20:46 1 (Brief discussion held off the record between
10:20:46 2 Mr. Schoen and Mr. Haller.)

10:20:55 3 Q. BY MR. SCHOEN: Are you a member of any
10:20:58 4 political organization or military organization?

10:21:07 5 A. No.

10:21:08 6 Q. Are you a member of any -- what I'm going
10:21:12 7 to call "faction"? But if you have a question about my
10:21:15 8 term, tell me.

10:21:33 9 A. The PLO has a number of factions involved.
10:21:36 10 I don't have any problem with the term of "faction."
10:21:39 11 But I'm not a member of any.

10:21:42 12 Q. Are you a member of the PLO?

10:21:54 13 A. I already answered: To be a member of the
10:21:57 14 PLO, you have to be a member in one of -- of its
10:22:01 15 factions. And I'm not a member.

10:22:09 16 Q. Have you ever been engaged in any activities
10:22:12 17 you would consider to be political activities?

10:22:25 18 MR. McALEER: Objection. The question's
10:22:27 19 vague.

10:22:38 20 THE WITNESS: This is a term which is wide
10:22:39 21 open and -- the term of "political action."

10:22:52 22 For the Israelis, engagement in human rights
10:22:55 23 is considered political activity. And I have spent
10:23:02 24 a lot of time of my life working on issues of human
10:23:05 25 rights. If this is considered political action, for

10:23:12 1 sure I have been engaged in political action. And at
10:23:21 2 the university, I was involved in student activities.
10:23:24 3 Also, this is considered political activity. Political
10:23:38 4 action, in the way which is understood in the -- in
10:23:41 5 the world, I haven't been engaged in.

10:23:44 6 Q. BY MR. SCHOEN: Did you belong to any student
10:23:46 7 organizations, political organizations or ad -- advocacy
10:23:50 8 organizations?

10:23:59 9 A. No. Just the students.

10:24:01 10 Q. Where are you a citizen of? What country?

10:24:09 11 A. This is a complex question. I carry an
10:24:16 12 Israeli ID. I don't have an Israeli nationality.
10:24:27 13 I carry a temporary Jordanian passport. For the
10:24:37 14 Israelis, I have a -- a pass document.

10:24:41 15 MR. HALLER: No.

10:24:41 16 (Comment in Arabic by Check Interpreter
10:24:41 17 Hazou.)

10:24:41 18 OFFICIAL INTERPRETER AGHAZARIAN: "A travel
10:24:45 19 document."

10:24:58 20 THE WITNESS: And in the travel document,
10:24:59 21 in the item mentioning nationality is "Undetermined."

10:25:04 22 (Comment in Arabic by Check Interpreter
10:25:04 23 Hazou.)

10:25:07 24 THE WITNESS: In the 21st century -- imagine,
10:25:15 25 in the 21st century, somebody who does not know his

10:25:21 1 status.

10:25:23 2 Q. BY MR. SCHOEN: Do you pay taxes?

10:25:26 3 A. Yes.

10:25:26 4 Q. To whom?

10:25:30 5 A. Wherever I work, according to the law.

10:25:34 6 Q. Where are you working now?

10:25:42 7 A. For one hour, you've been asking me where
10:25:47 8 I work. Now you ask me where do I work?

10:25:48 9 Q. I asked you where you pay taxes, and you
10:25:49 10 answered where you work. So I would like to know
10:25:53 11 where you consider that you work.

10:26:13 12 A. Since we started, you've been asking me with
10:26:16 13 whom I work, where I work, and this is the nature of
10:26:19 14 my work. That's it.

10:26:21 15 Q. Who do you pay taxes to?

10:26:23 16 MR. McALEER: Counsel, you're referring to
10:26:27 17 income tax? The sales tax? VAT tax? What?

10:26:31 18 MR. SCHOEN: The answer was -- to my question,
10:26:40 19 "Where do you pay taxes?" the answer, as I understood
10:26:43 20 it, was, "I pay taxes where I work."

10:26:45 21 I think the witness had an understanding of
10:26:48 22 what kind of taxes I meant by that answer. I'm simply
10:26:52 23 asking, for tax purposes, where he understands that he
10:26:56 24 works.

10:26:56 25 THE WITNESS: I work --

10:26:58 1 MR. McALEER: Objection. Vague.

10:26:59 2 THE WITNESS: -- for the PNA, and I pay my
10:27:02 3 taxes to the PNA. And this is what is stipulated by
10:27:06 4 the law.

10:27:07 5 Q. BY MR. SCHOEN: Thank you.

10:27:16 6 Do you receive any sort of monetary benefits
10:27:20 7 from the Israeli government?

10:27:21 8 (Comment in Arabic by Check Interpreter
10:27:21 9 Hazou.)

10:27:36 10 CHECK INTERPRETER HAZOU: "Benefits."

10:27:39 11 THE WITNESS: What do you mean? What kind
10:27:41 12 of benefits?

10:27:42 13 Q. BY MR. SCHOEN: Any kind of money payment.
10:27:44 14 Any kind of insurance, health services.

10:28:02 15 A. I don't have any financial benefits. But
10:28:05 16 when it comes to health insurance, I do receive that
10:28:08 17 like all citizens [sic] within Israel -- residents.

10:28:18 18 MR. McALEER: So the record is clear, the
10:28:20 19 witness used the term "residents" and only "residents."
10:28:27 20 Correct?

10:28:34 21 THE WITNESS: That's the legal definition
10:28:36 22 within Israel.

10:28:40 23 Q. BY MR. SCHOEN: Are you a permanent resident?

10:28:48 24 A. Yes. Correct.

10:28:59 25 Q. Sir, do you know a person by the name of

Shaher Ali Al-Rai?

And forgive me if I mispronounce it.

(Pending question partially translated.)

MR. SCHOEN: "Ali Al-Rai."

(Remainder of pending question translated.)

MR. HALLER: "Shaher Ali Al-Rai."

OFFICIAL INTERPRETER BEN-NAIM: It doesn't sound like anything in Arabic. I'm sorry.

MR. SCHOEN: Well, let me say this. This is the way the name is written for the designation that you're appearing for.

MR. ROCHON: I'm trying to get people other than you to stop talking.

Q. BY MR. SCHOEN: I may be butchering the pronunciation. But that's -- that's the way it's written in the notice for which you're appearing today.

A. Yes, I know him.

Q. May I hear you pronounce the person's name?

A. Shaher Al-Rai. Al-Rai.

Q. Al-Rai.

OFFICIAL INTERPRETER AGHAZARIAN: "Shaher Al-Rai." "The shepherd."

Q. BY MR. SCHOEN: Sorry.

Do you know this person, Al -- Mr. Al-Rai?

A. Yes. Correct.

10:30:17 1 Q. How do you know him?

10:30:29 2 A. I was assigned to defend him in 1994, 1995.

10:30:34 3 He was held in detention in Jericho then.

10:30:38 4 Q. You were his lawyer?

10:30:44 5 A. Me and my colleague, the other lawyer, Abdel

10:30:48 6 Karim Hannun.

10:30:51 7 Q. Do you remember Mr. -- Mr. Al-Rai -- Al-Rai

10:30:51 8 personally as you sit here today?

10:30:57 9 A. What do you mean by that?

10:31:05 10 Q. (Not translated.) Well, this was 1994 you

10:31:08 11 represented him?

10:31:10 12 A. (In English.) '94, '95, I think.

10:31:13 13 (Pending question translated.)

10:31:16 14 THE WITNESS: Yes. Correct.

10:31:18 15 Q. BY MR. SCHOEN: Do you have any idea of a

10:31:20 16 reasonable estimate as to how many detainees you've

10:31:24 17 represented since 1994 'til today?

10:31:44 18 A. A lot. I cannot figure out.

10:31:48 19 Q. A thousand?

10:31:51 20 A. Thousands.

10:31:52 21 Q. Thousands.

10:31:59 22 Do you remember what Mr. Al-Rai looks like?

10:32:06 23 A. Now? No.

10:32:08 24 Q. Did you ever meet him in person, if you

10:32:10 25 recall?

10:32:17 1 A. I met him once when he was in detention.

10:32:22 2 Q. I'd like to show you a video clip and see
10:32:27 3 whether you're able to recognize whether a person
10:32:36 4 appearing in this video is Shaher Al-Rai.

10:32:48 5 MR. McALEER: Counsel, can I ask you: Have
10:32:49 6 you previously disclosed or produced it? And if so,
10:32:53 7 do you recall when, or does Mr. Haller recall when?

10:32:58 8 MR. HALLER: A few days ago. It's the CNN
10:33:03 9 clip that we've mentioned.

10:33:07 10 MR. McALEER: So --

10:33:10 11 OFFICIAL INTERPRETER BEN-NAIM: CNN?

10:33:12 12 MR. SCHOEN: CNN.

10:33:12 13 OFFICIAL INTERPRETER BEN-NAIM: I'm just
10:33:12 14 translating for him.

10:33:12 15 MR. SCHOEN: He said "CNN."

10:33:12 16 OFFICIAL INTERPRETER BEN-NAIM: Yeah. He said
10:33:12 17 "CNN."

10:33:13 18 MR. McALEER: So what you're about to show the
10:33:16 19 witness is something that you received from CNN pursuant
10:33:21 20 to a subpoena in this case?

10:33:23 21 MR. SCHOEN: Yes.

10:33:24 22 MR. McALEER: Are there any other documents
10:33:26 23 produced by CNN or any communications of a written
10:33:32 24 nature between plaintiffs and CNN regarding that
10:33:35 25 subpoena?

10:33:37 1 MR. SCHOEN: My understanding is -- and I
10:33:39 2 think Mr. Haller will correct me if I'm wrong -- is
10:33:43 3 that you were provided a copy of the subpoena and a
10:33:46 4 copy of the disk or some form of the video. And that's
10:33:49 5 all that I've seen or am aware of in connection with
10:33:53 6 this thing. That is the subpoena and the -- I actually
10:33:57 7 got a disk from CNN with this video on it and no other
10:34:01 8 paperwork, document, or any other thing.

10:34:07 9 MR. McALEER: So, Counsel, is it your
10:34:09 10 representation that there were never any written
10:34:12 11 communications between plaintiffs and their counsel
10:34:15 12 on one part and CNN or its counsel in this matter,
10:34:19 13 including e-mails?

10:34:23 14 MR. HALLER: Tolchin's addressed to that
10:34:25 15 question. And I think he --

10:34:29 16 (Simultaneous colloquy.)

10:34:29 17 THE COURT REPORTER: I can't hear.

10:34:29 18 MR. HALLER: So there was no other production
10:34:32 19 from CNN.

10:34:33 20 MR. McALEER: But Mr. -- we need not take
10:34:35 21 up more of the record on this. But Mr. Tolchin didn't
10:34:39 22 substantively answer my previous inquiry on this and --
10:34:45 23 or on other subpoena matters. So I -- I have a standing
10:34:52 24 objection on this.

10:34:55 25 And let me just ask counsel: Will a copy of

10:35:00 1 the video that you're going to be showing the witness
10:35:06 2 be marked -- put on a CD and marked as an exhibit in
10:35:10 3 the case?

10:35:12 4 MR. SCHOEN: Yes, I'd like it to be.

10:35:18 5 Just in response, if I heard exactly what
10:35:21 6 you said, I certainly wouldn't -- absent some court
10:35:28 7 order, I wouldn't intend to provide you with any
10:35:32 8 communications between plaintiff and their counsel,
10:35:33 9 which is one of the categories you had said -- you
10:35:36 10 had asked about at least, if there were any such
10:35:39 11 communication. And, frankly, I don't have any
10:35:42 12 reason to believe that there were -- there was
10:35:44 13 such communication. But anyway.

10:35:47 14 MR. McALEER: Mr. Schoen, again, I don't
10:35:48 15 want to belabor this point. But I'm a little confused
10:35:51 16 by what you just said.

10:35:53 17 My inquiry was as to communications between
10:35:56 18 the plaintiffs or their counsel on the one part and
10:36:01 19 CNN and CNN's counsel on the other part. Those are
10:36:07 20 the communications as to which I'm inquiring.

10:36:10 21 And do you have a basis for representing
10:36:12 22 whether there were ever such communications between
10:36:18 23 those two groups of a written nature, including e-mails?

10:36:24 24 MR. SCHOEN: Let me ask: Do you care if he
10:36:26 25 translates this part? Do you want him to translate

10:36:31 1 all of this?

10:36:32 2 MR. McALEER: I -- I think the witness is
10:36:33 3 entitled --

10:36:34 4 MR. SCHOEN: Certainly.

10:36:34 5 MR. McALEER: -- to be hearing what is being
10:36:36 6 said.

10:36:36 7 MR. SCHOEN: I agree.

10:36:43 8 MR. McALEER: Now, the videographer has
10:36:45 9 indicated that there's five minutes remaining on the
10:36:48 10 tape. And he's put that sign in front of you.

10:36:52 11 Would you like to go on the tape -- on break
10:36:54 12 now so that he can change the tape, and during the
10:36:57 13 break, the witness can look at the video? And then
10:37:00 14 we'll come back on.

10:37:02 15 MR. SCHOEN: Let me tell you my plan for
10:37:04 16 today. And to the extent, you know, best laid plans
10:37:07 17 and that sort of thing.

10:37:09 18 My plan for today would be: We take a break
10:37:10 19 now, then. And I intend to show this video, ask him
10:37:15 20 a couple of brief questions about the video, ask him
10:37:19 21 a few questions on this subject, ask him some questions
10:37:25 22 on other designated subjects -- subjects we'll call it,
10:37:31 23 but designated subjects. I may ask him some other
10:37:35 24 questions. We'll decide about that afterwards.

10:37:38 25 And I think I would conclude, after the break,

10:37:41 1 I'm going to say outside two hours. But I think one
10:37:47 2 hour just to give some sense of what my plan is today.
10:37:50 3 I don't know if you intend to ask questions or not.
10:37:54 4 But to give a sense of where we are today. So I think
10:37:58 5 we should take a break now and then come back.

10:38:02 6 MR. ROCHON: Okay. Did you want him to look
10:38:02 7 at the video while we're on the break to save time?

10:38:06 8 MR. SCHOEN: Oh, that's what you're asking?

10:38:08 9 MR. ROCHON: That's -- yes, that's -- it's
10:38:10 10 up to you. We can decide -- let's go on the break now.

10:38:13 11 MR. SCHOEN: Yeah. We'll show him the video.
10:38:13 12 It's not -- it's very short. And I might ask him --

10:38:16 13 MR. ROCHON: Can we go off the record?

10:38:16 14 MR. SCHOEN: Yes.

10:38:17 15 THE VIDEOGRAPHER: Going off the record
10:38:19 16 at 10:37.

10:38:21 17 (Recess from 10:37 a.m. to 10:56 a.m.)

10:57:29 18 THE VIDEOGRAPHER: Going on the record
10:57:29 19 at 10:56.

10:57:29 20 MR. SCHOEN: Back on the record.

10:57:36 21 Q. BY MR. SCHOEN: Before I show the video,
10:57:38 22 I just want to finish up what I'm going to call
10:57:42 23 housekeeping, and then I won't have to come back.

10:57:54 24 What we're calling the Ministry of Prisoner
10:57:58 25 Affairs, where you work, how long has that been in

10:58:05 1 existence, if you know?

10:58:16 2 A. It was established in 1998.

10:58:19 3 Q. 1998.

10:58:20 4 With the same name?

10:58:23 5 A. With the same name.

10:58:24 6 Q. And when you met Mr. Rai -- Al-Rai, you
10:58:32 7 weren't working for that office?

10:58:38 8 A. For sure.

10:58:39 9 Q. Was that a time when you were in private
10:58:41 10 practice?

10:58:47 11 A. Yes. I already answered that question.

10:58:49 12 Q. Yeah. I just didn't remember the answer.
10:58:51 13 I'm sorry.

10:58:57 14 Do you recall who would have appointed you
10:58:59 15 to -- I think you said "appointed" -- you to represent
10:59:04 16 him?

10:59:16 17 A. I said I was with my partner. And it is the
10:59:21 18 family that have asked us to work on this case.

10:59:24 19 Q. I see. And -- and the fee would have been
10:59:26 20 paid by whom? The organization or the family?

10:59:36 21 A. The family, of course.

10:59:38 22 Q. I see. I see.

10:59:41 23 And in this ministry where you work now --
10:59:45 24 and let me explain. I'm asking you this ques -- these
10:59:54 25 questions to try to shortcut some things.

1 In this ministry -- in your work in this
2 ministry, is this the same ministry that makes payments
3 to prisoners -- Palestinian prisoners who are detained?

4 A. Yes.

5 Q. Is that part of your job duties also? Are
6 you involved in any way in that system of making
7 payments?

8 A. Clarify your question.

9 Q. Are you familiar with the system of payments
10 that are made by the PNA to Palestinian prisoners who
11 are detained?

12 A. Correct.

13 Q. Do you know, as you sit here today, based --
14 based on any investigation or otherwise, whether
15 Mr. Al-Rai ever received any prisoner payments from
16 the PNA?

17 A. I don't have anything that can confirm or
18 deny this issue. But, supposedly, any person detained
19 by the Israelis will get assistance from the ministry.

20 Q. Tell me how that process would work.

21 Is an application made? How does the PNA
22 know that someone has been detained?

23 (Pending question partially translated.)

24 OFFICIAL INTERPRETER BEN-NAIM: The last part
25 of the sentence?

11:02:14 1 Q. BY MR. SCHOEN: How does the PNA know that
11:02:15 2 someone has been detained who needs to be paid?

11:02:26 3 MR. McALEER: Objection. Vague.

11:02:28 4 Counsel, do you mean detained by the Israelis?

11:02:31 5 MR. SCHOEN: Yes, I do.

11:02:40 6 THE WITNESS: The family see their way into
11:02:44 7 the offices of the ministry. They fill up applications.
11:02:51 8 They present the charge sheet or the sentence or
11:02:58 9 a document from the Red Cross. And based on these
11:03:09 10 documents -- based on these documents -- they check
11:03:12 11 them, and based on that, they endorse this given person.

11:03:16 12 Q. BY MR. SCHOEN: That person's meeting with
11:03:18 13 a clerk in the office or with a lawyer or -- the person
11:03:23 14 making the application?

11:03:27 15 A. No. With regular clerks.

11:03:29 16 Q. And this is a standard form that asks for
11:03:36 17 information?

11:03:45 18 A. It's a standard procedure.

11:03:49 19 Q. In other words, what prison? Why arrested?
11:03:50 20 How old?

11:03:59 21 A. Personal information, particulars. We
11:04:03 22 don't -- we don't care for the reason.

11:04:05 23 Q. The reason the person's being detained?

11:04:18 24 A. Having a document from the ICRC and the --
11:04:23 25 the proof that the person is in Israeli prisons is

11:04:30 1 enough.

11:04:30 2 Q. Does it matter whether the person is charged
11:04:33 3 with a crime -- a street crime like rape, something like
11:04:38 4 that, robbery, or -- or called a security prisoner?

11:04:47 5 Or are they considered the same?

11:04:55 6 MR. McALEER: Objection. Beyond the scope.

11:04:56 7 But the witness may answer.

11:05:03 8 THE WITNESS: I feel compelled, you know, not
11:05:16 9 to answer directly. But I will explain why we do this
11:05:20 10 so that you'll -- you'll feel at ease.

11:05:28 11 Since the inception of the establishment of
11:05:32 12 the P -- PA, according to the Accords, when indicated,
11:05:41 13 it was supposed to become a state, and we were supposed
11:05:46 14 to have a state. Of course, the state needs infra --
11:05:51 15 needs structures and institutions.

11:06:01 16 According to the ICRC statistics, anywhere
11:06:10 17 from 750,000 to 800,000 Palestinians have seen their
11:06:16 18 way into prisons since the occupation started. This
11:06:23 19 is a huge number for the Palestinian people.

11:06:35 20 Since the PA does not have, like many
11:06:38 21 countries, like national security or health insurance
11:06:41 22 or other facilities, so the role of such institutions
11:06:50 23 in the rest of the world had to be handled by basically
11:06:56 24 two major institutions. The first is the Ministry of
11:07:04 25 Detainees and, second, is the Social Affairs Ministry.

11:07:18 1 The social -- the ministry pays only for
11:07:21 2 people who are held under the security cases. We --
11:07:36 3 we do not get involved in whether it was shooting or
11:07:40 4 throwing a stone. What we care for is the document
11:07:44 5 from the Red Cross. And regardless of the violation,
11:07:51 6 the amount received is the same.

11:07:57 7 And we don't care which faction belonged to.
11:07:59 8 This is not of concern to us. Because the general
11:08:11 9 perspective is that you are not paying for the detainee
11:08:15 10 but you are covering the needs of the family. And
11:08:25 11 this is the same thing which Israel does for the Arab
11:08:29 12 citizens within the State of Israel.

11:08:37 13 There are around 300 Israeli Arabs who are
11:08:41 14 detained in the same prisons with the rest of the
11:08:44 15 Palestinians. Part of them are convicted for killing
11:08:52 16 Israeli soldiers and Israeli citizens. Despite that,
11:08:59 17 the Israeli National Insurance continues to pay the --
11:09:04 18 the allocations to their families.

11:09:10 19 Other kind of the street crimes that you
11:09:12 20 have referred to, their families in such cases address
11:09:20 21 themselves not to our ministry but to the social
11:09:22 22 affairs. And this is where they can get some income
11:09:29 23 and other safeguards. This is why we do not pay for
11:09:37 24 street crimes.

11:09:38 25 Q. BY MR. SCHOEN: And the money that your

11:09:40 1 ministry pays to the detainee's family, does that --
11:09:51 2 does that -- does it matter whether the detainee is
11:09:55 3 a person who is earning money or not?

11:10:05 4 A. What do you mean?

11:10:06 5 Q. Well, it may be -- would you agree? --
11:10:08 6 less expensive financially to the family if a member
11:10:20 7 of their family is being detained and he was -- and
11:10:26 8 he wasn't earning any money for that family so that,
11:10:36 9 from strictly a financial point of view, the family's
11:10:43 10 better off financially with that person detained.

11:10:54 11 Can you --

11:10:58 12 MR. McALEER: Objection to form. Objection
11:11:01 13 to the form of the question. Assumes facts. Improper
11:11:06 14 hypothetical. Compound. I'll leave it at that.

11:11:32 15 THE WITNESS: I am sorry, as a lawyer, that
11:11:34 16 you imply as if people go and get detained in order to
11:11:39 17 provide a source of income. All the funds in the world
11:11:51 18 do not justify for somebody to be detained for one hour.

11:12:08 19 And -- and if this position is -- is correct,
11:12:11 20 people would not go on a daily basis in order to request
11:12:16 21 the release of their children. Somebody to go and sort
11:12:27 22 of freeze his freedom for the sake of getting income
11:12:33 23 does not make sense.

11:12:36 24 Q. BY MR. SCHOEN: I didn't mean to imply
11:12:38 25 anything. I understood your explanation here today

11:12:48 1 and in other situations in which you have testified
11:12:55 2 to be that the payments to the prisoners are -- to
11:13:06 3 the prisoner's families -- I'm sorry -- were to act as
11:13:12 4 a sort of Social Security or insurance for the family
11:13:20 5 who's now without this person because -- because this
11:13:33 6 person is being detained.

11:13:38 7 A. That's the general policy.

11:13:42 8 Q. But you would accept that the fact that a
11:13:44 9 family member is being detained does not necessarily
11:13:51 10 cause any financial loss to that family that you're
11:14:04 11 paying?

11:14:14 12 A. There is always a loss. It could be ranging
11:14:17 13 and relatively different, but there is always a loss.

11:14:21 14 Q. Always a financial loss to the family?

11:14:27 15 A. For sure a financial loss.

11:14:32 16 Q. Well, let's say the detainee is a person who,
11:14:44 17 when he's living at home and not detained, spends the
11:14:55 18 family's money freely, requires the family to pay a lot
11:15:04 19 of money in food, clothing, and any other expenses for
11:15:20 20 that family and now that person is detained.

11:15:31 21 Is it your position that that family suffered
11:15:39 22 a financial loss --

11:15:44 23 A. Yes. Correct.

11:15:46 24 MR. McALEER: Hold on. He hadn't -- counsel
11:15:47 25 had not finished his question.

11:15:50 1 Q. BY MR. SCHOEN: -- that -- that your ministry
11:15:54 2 needs to -- so that your ministry needs to pay that
11:15:59 3 family money still?

11:16:05 4 MR. McALEER: Objection. Improper
11:16:05 5 hypothetical. And beyond the scope.

11:16:18 6 THE WITNESS: For sure I have spoken about the
11:16:20 7 general philosophy as a ministry. And until this phase,
11:16:34 8 we do not have exactly the mechanisms in order to -- to
11:16:38 9 know who has and who hasn't in order to deal with the
11:16:41 10 issue.

11:16:48 11 But having to do with somebody who is spending
11:16:52 12 and the -- the hypothesis that you have come up with,
11:16:57 13 as if he's a burden to the family and, as imprisonment,
11:17:04 14 they sort of got rid of -- of the exorbitant expenses
11:17:11 15 and now he becomes instead a source of income -- in
11:17:17 16 fact, he costs them while he's in prison much more
11:17:21 17 than if he's free.

11:17:24 18 Because in prison, in the State of Israel,
11:17:25 19 there is only for the detainees to pay the rent for
11:17:34 20 staying in prison. A prisoner costs his family not
11:17:44 21 less than 1,000 shekels each month. Because the
11:17:51 22 canteens in the prison are -- the prices are very,
11:17:55 23 very high and -- and -- and all the food and clothing
11:18:08 24 of the prisoners is purchased from the canteen on the
11:18:12 25 account of the detainees.

11:18:19 1 And in previous times, the families were
11:18:21 2 allowed to bring in certain food and certain papers.
11:18:25 3 Now this has been banned. And -- and -- and I know,
11:18:38 4 for instance, if a prisoner wants to purchase shoes --
11:18:41 5 and there is the company called Dadash. I know that
11:18:47 6 each shoe costs 400 to 500 shekels. [sic]
11:18:52 7 CHECK INTERPRETER HAZOU: "700."
11:18:55 8 THE WITNESS: Whereas, if he is out of prison,
11:18:56 9 he can purchase it for 50 shekels.
11:19:00 10 MR. McALEER: Wait. I'm sorry to interrupt.
11:19:00 11 Just so we don't go too far --
11:19:04 12 CHECK INTERPRETER HAZOU: I just want to --
11:19:04 13 MR. McALEER: George, hold on.
11:19:04 14 So we don't go too far -- and I'm sorry to
11:19:08 15 interrupt the witness. My apologies to Mr. Schoen.
11:19:10 16 However, I believe there was an issue that the check
11:19:14 17 translator had regarding some aspect of the translation.
11:19:17 18 OFFICIAL INTERPRETER BEN-NAIM: Can I
11:19:19 19 translate just what he said before?
11:19:21 20 MR. McALEER: Yes.
11:19:29 21 (Last colloquy translated.)
11:19:28 22 (Comment in Arabic by Check Interpreter
11:19:28 23 Hazou.)
11:19:30 24 CHECK INTERPRETER HAZOU: How much did you
11:19:32 25 say it costs?

11:19:35 1 THE WITNESS: 400 to 700.

11:19:39 2 MR. McALEER: Thank you.

11:19:44 3 THE WITNESS: So if he is out of prison,
11:19:46 4 it is more comfortable for the family.

11:19:52 5 Q. BY MR. SCHOEN: Again, assuming he wants
11:19:54 6 to buy these things --

11:19:57 7 MR. McALEER: Same --

11:19:58 8 Q. BY MR. SCHOEN: -- in prison?

11:20:06 9 MR. McALEER: Same objections.

11:20:08 10 THE WITNESS: What do you mean "supposedly
11:20:10 11 that he wants"?

11:20:10 12 Q. BY MR. SCHOEN: I said "supposedly"?

11:20:14 13 You're not suggesting that for the Palestinian
11:20:17 14 prisoner in the Israeli jail, to get a meal in the
11:20:31 15 prison, he has to pay for that meal or he doesn't eat?

11:21:00 16 A. This is what you say. I haven't said that.

11:21:03 17 Q. No, no. I was asking whether you were saying
11:21:05 18 that.

11:21:08 19 A. That's not the way I am saying. They --
11:21:19 20 I said that the detainees buy their own food. And
11:21:23 21 if there is another thing, that's another issue.

11:21:26 22 Q. If they want to buy food -- extra food?

11:21:34 23 A. No, not extra.

11:21:36 24 Q. Okay. So then we're back where we started.

11:21:40 25 In order to get a meal for a Palestinian

11:21:43 1 prisoner in an Israeli jail, unless -- are you -- is
11:21:55 2 it your testimony that, unless that detainee pays money
11:22:05 3 and buys a meal, the Israelis will not give him any
11:22:12 4 food?

11:22:27 5 A. The Red Cross pays funds for -- for the
11:22:32 6 prisoners' daily -- for the food that is provided to
11:22:36 7 the detainees. The prison authorities practically do
11:22:46 8 provide food. But what is the content of this food?
11:22:51 9 It is bad quality so that human beings cannot eat it.
11:22:59 10 The amount is extremely little. And it is cooked by
11:23:08 11 the Israeli criminal prisoners. And the detainees say,
11:23:19 12 if you want, for instance, to cook rice, bring it raw,
11:23:23 13 and we can cook it. And the prison authorities refuse
11:23:28 14 that.

11:23:38 15 Bad -- bad quality and little amount. And
11:23:41 16 when the Israeli criminal cooks, who are in prison,
11:23:45 17 they put in it dirty stuff and sometimes insects.
11:23:48 18 And this has happened frequently within the prisons.
11:23:59 19 Lots of complaints were addressed to the prison
11:24:02 20 authorities. So I have provided the food, but I
11:24:09 21 have put dirty material in it. I -- I cannot say
11:24:18 22 I provided food. But, you know, he -- he chose to --
11:24:23 23 to -- to purchase his own food, so he is compelled
11:24:29 24 to go and purchase the food.

11:24:38 25 Q. Do you believe that these kinds of complaints

11:24:41 1 about prisoners and prison food are unique to this
11:24:57 2 situation, the Israeli-Palestinian situation?

11:24:58 3 (Comment in Arabic by Check Interpreter
11:24:58 4 Hazou.)

11:24:59 5 OFFICIAL INTERPRETER BEN-NAIM: Okay.

11:25:08 6 (Pending question re-translated.)

11:25:12 7 THE WITNESS: For sure.

11:25:12 8 Q. BY MR. SCHOEN: I would invite you to come
11:25:15 9 to my law practice, and you can see the complaints
11:25:19 10 we make about the prisons in the United States.

11:25:38 11 A. I will be honored to come and see the
11:25:40 12 practices in the States.

11:25:41 13 But I know that in Palestinian prisoners
11:25:44 14 [sic], in this particular situation, the prisoners eat
11:25:47 15 the same food that the security forces eat, the PA.
11:25:59 16 And I went in Jordan to visit, you know, the Swaqa
11:26:06 17 prison, and the food there is five stars.

11:26:09 18 Q. Does the --

11:26:09 19 A. I don't know.

11:26:09 20 Q. I'll finish this in -- within five minutes,
11:26:13 21 I think.

11:26:17 22 Does -- does the prison ministry, your
11:26:21 23 ministry, in addition to making payments to detainees'
11:26:30 24 families, also pay the canteen directly?

11:26:50 25 A. Yes. We pay monthly expenses to the company

11:26:54 1 of Dadash and the prison authorities on a monthly basis.

11:26:59 2 And the Ministry of Finance defer funds for the criminal

11:27:05 3 detainees.

11:27:06 4 Q. (Not translated.) If a Palestinian is

11:27:07 5 detained in a -- sorry.

11:27:10 6 Are there Palestinian jails?

11:27:15 7 OFFICIAL INTERPRETER BEN-NAIM: Sorry?

11:27:16 8 Q. BY MR. SCHOEN: Are there Palestinian jails?

11:27:19 9 A. Of course.

11:27:19 10 Q. If a Palestinian is detained in a Palestinian

11:27:22 11 jail -- I'm using the term "jail" the same as "prison"

11:27:32 12 today.

11:27:32 13 If a Palestinian is detained in a Palestinian

11:27:38 14 jail, does your ministry or any other ministry you're

11:27:46 15 aware of make -- make payments to that detainee's

11:27:55 16 family?

11:27:57 17 A. For the family?

11:27:59 18 Q. Yes.

11:28:01 19 A. Ministry of Social Affairs.

11:28:02 20 Q. That Ministry of Social Affairs takes care

11:28:05 21 of that if it's a Palestinian in a Palestinian jail?

11:28:23 22 A. Yes. Correct.

11:28:23 23 Q. For each prisoner in a Palestinian jail, does

11:28:27 24 that family get a payment from this Ministry of Social

11:28:30 25 Affairs?

11:28:42 1 A. If the family addressed themselves and they
11:28:46 2 want an income source, they -- they -- the ministry
11:28:48 3 does provide the requirement.

11:28:51 4 Q. Do you know how many times Shaher Al-Rai
11:28:56 5 was arrested?

11:29:03 6 A. No.

11:29:04 7 Q. You don't know how many times?

11:29:06 8 A. But I know that he was detained more than
11:29:08 9 once.

11:29:09 10 Q. Uh-huh. Any estimate on how many times?

11:29:13 11 You can't -- I don't want you to guess.

11:29:17 12 A. I don't know.

11:29:22 13 Q. By whom was he detained when he was detained?

11:29:35 14 A. When I took the case, he was imprisoned once
11:29:39 15 in the Palestinian Authority. And several times he
11:29:41 16 was detained by the Israelis.

11:29:43 17 Q. So by 1994 or 1995, he had been already
11:29:49 18 detained once by the Palestinian Authority?

11:30:04 19 OFFICIAL INTERPRETER BEN-NAIM: Did you say
11:30:04 20 how many times?

11:30:06 21 Q. BY MR. SCHOEN: And -- and several times by
11:30:08 22 the Israelis?

11:30:10 23 MR. McALEER: Objection. Misstates testimony.

11:30:13 24 OFFICIAL INTERPRETER BEN-NAIM: Please repeat
11:30:15 25 the question.

11:30:15 1 MR. SCHOEN: Yes.

11:30:17 2 Q. BY MR. SCHOEN: Is it your testimony that,
11:30:19 3 by the time you met Mr. Al-Rai in '94, '95, he
11:30:36 4 already -- he already had been -- he had been arrested
11:30:41 5 once before -- at least once before by the Palestinians?

11:30:43 6 (Pending question partially translated.)

11:30:44 7 OFFICIAL INTERPRETER BEN-NAIM: "By
11:30:56 8 Palestinians"?

11:30:56 9 (Comment in Arabic by the witness.)

11:30:58 10 (Remainder of pending question translated.)

11:30:59 11 THE WITNESS: The information I have is this
11:31:01 12 is the first time. I hadn't heard that he was detained
11:31:05 13 earlier --

11:31:05 14 (Comment in Arabic by the witness.)

11:31:06 15 THE WITNESS: -- by the Palestinians.

11:31:09 16 Q. BY MR. SCHOEN: You mean today is the first
11:31:11 17 time?

11:31:12 18 MR. McALEER: Counsel, let me -- let me --
11:31:14 19 let me see if we can clear this up.

11:31:17 20 You -- he -- he testified to his knowledge.
11:31:23 21 You didn't allocate it according to date. You then
11:31:27 22 posed a question saying: So is it your testimony
11:31:31 23 that -- and you put it into a date context in which
11:31:37 24 you indicated whether his testimony was that Mr. Shaher
11:31:46 25 Al-Rai had been in prison prior to 1994.

11:31:51 1 So when he just answered back that this is
11:31:54 2 the first time he heard of it, he said this is the
11:31:58 3 first time in your question today that he had heard
11:32:03 4 of a pre-1994 imprisonment by Mr. Shaher Al-Rai.

11:32:12 5 And I'm sorry to go on, and I'm not trying
11:32:16 6 to coach the witness. But that's where the confusion
11:32:20 7 was. He didn't testify to a pre-'94 detention. You
11:32:21 8 were the one who put it in your question, trying to,
11:32:23 9 in your view, summarize what his testimony had been.

11:32:28 10 So my apologies for going on.

11:32:31 11 MR. SCHOEN: Thank you. Not "thank you"
11:32:33 12 for apologizing. Thank you for explaining what
11:32:37 13 you understand the confusion to be. Thank you for
11:32:42 14 apologizing also.

11:32:45 15 Let me review it.

11:32:47 16 Q. BY MR. SCHOEN: You're aware that Mr. Al-Rai
11:32:49 17 has been arrested on more than one occasion?

11:32:58 18 MR. ROCHON: You mean --

11:32:58 19 THE WITNESS: Yes.

11:32:58 20 MR. ROCHON: -- sitting here today; right?

11:33:00 21 MR. SCHOEN: Yes.

11:33:00 22 MR. ROCHON: That's where the confusion was.

11:33:02 23 MR. SCHOEN: I said: "You are aware of it."

11:33:04 24 Q. BY MR. SCHOEN: Sitting here today, do you
11:33:10 25 know whether, when you met Mr. Al-Rai --

11:33:13 1 (Pending partial question translated.)

11:33:18 2 OFFICIAL INTERPRETER BEN-NAIM: Go on.

11:33:20 3 Q. BY MR. SCHOEN: (Not translated.) -- in '94,

11:33:21 4 '95, do you know whether you knew then that he had been

11:33:29 5 previously arrested?

11:33:33 6 OFFICIAL INTERPRETER BEN-NAIM: No, I'm sorry.

11:33:37 7 (Pending question translated by Official

11:33:37 8 Interpreter Aghazarian.)

11:33:38 9 THE WITNESS: (Translated.) I answered

11:33:45 10 this question. I don't know what you are up to.

11:33:57 11 When I visited him, he informed me that

11:33:59 12 he was detained by the Israelis [sic]. I don't know

11:34:02 13 what detentions were previously.

11:34:04 14 (Comment in Arabic by Check Interpreter

11:34:04 15 Hazou.)

11:34:04 16 THE WITNESS: (In English.) "By

11:34:04 17 Palestinians."

11:34:04 18 OFFICIAL INTERPRETER BEN-NAIM: "By the

11:34:04 19 Palestinians."

11:34:05 20 OFFICIAL INTERPRETER AGHAZARIAN: "By

11:34:08 21 Palestinians."

11:34:13 22 Q. BY MR. SCHOEN: To be clear, I'm not trying --

11:34:15 23 I'm not up to anything. Your lawyers had said that I

11:34:21 24 wasn't clear in my question.

11:34:29 25 As you sit here today, is it your

11:34:34 1 understanding that Mr. Al-Rai was arrested and detained
11:34:46 2 several times by the Israelis?

11:34:53 3 A. Correct.

11:34:54 4 Q. Do you have any idea of a time frame for any
11:34:57 5 of those detentions by the Israelis?

11:35:08 6 A. No.

11:35:12 7 Q. Do you understand them to have been before
11:35:15 8 you met him in 1994 and 1995?

11:35:27 9 A. There were detentions before as well as after.

11:35:29 10 Q. Okay. Do you know when Mr. Al-Rai's most
11:35:34 11 recent detention was by the Israelis?

11:35:43 12 A. No.

11:35:44 13 Q. And you don't know how many total detentions
11:35:47 14 he had?

11:35:49 15 A. No.

11:35:50 16 Q. And do you know how many total detentions
11:35:53 17 Mr. Al-Rai had by the Palestinians?

11:36:04 18 A. I know on -- on one time.

11:36:06 19 Q. (Not translated.) The '94, '95?

11:36:09 20 A. (In English.) Yeah.

11:36:09 21 (Pending question translated.)

11:36:10 22 THE WITNESS: Yes.

11:36:13 23 Q. BY MR. SCHOEN: Okay. When you were asked
11:36:14 24 to appear today, you understood that you were to
11:36:20 25 testify about Mr. Al-Rai?

11:36:29 1 A. Correct.

11:36:30 2 Q. Did you understand that you were just to
11:36:31 3 testify about one arrest?

11:36:44 4 A. Yes. This is what I understood.

11:36:47 5 Q. What arrest was that?

11:36:55 6 A. The detention of 1994, '95.

11:36:59 7 Q. Your understanding is you were asked to come
11:37:02 8 here today to testify just about Mr. Al-Rai's arrest
11:37:07 9 and detention in 1994, '95?

11:37:21 10 A. Essentially, yes.

11:37:22 11 Q. What was Mr. Al-Rai arrested for in 1994
11:37:24 12 and '95, if you remember?

11:37:35 13 A. A charge sheet was directed to him with
11:37:37 14 two items, opposing the general policy of the PA
11:37:48 15 and undermining Palestinian national security.

11:37:57 16 Q. Did you understand that, at the time, the
11:38:00 17 charges you just described, there were -- there was
11:38:15 18 an investigation concerning Mr. Al-Rai in Israel?

11:38:37 19 A. I want to put it in a nutshell, summarize
11:38:40 20 it for you so that you feel at ease.

11:38:48 21 We were assigned to defend Mr. Al-Rai.
11:38:51 22 And at the time, this was an issue that was making
11:39:00 23 an outrage in the -- in the -- in the media. I went
11:39:08 24 with my partner, attorney Abdel Karim Hannun, to
11:39:15 25 Jericho. We met them, Shaher and Yusef, his colleague.

11:39:20 1 They were together in the jail.

11:39:24 2 It was a short meeting. Through this meeting,
11:39:32 3 we understood that no interrogation was conducted with
11:39:37 4 them. They were only told that we received from the
11:39:47 5 Israeli side information of an interrogation with Jamal
11:39:53 6 Al-Hindi and, according to these confessions, these two,
11:40:01 7 together with Jamal Al-Hindi, participated in killing
11:40:07 8 Israeli citizens.

11:40:15 9 They completely denied such charges. But
11:40:24 10 the charge sheet and the whole case was built on
11:40:28 11 this confession that happened at the Israeli side.
11:40:36 12 We requested at the time to have a photocopy of the
11:40:39 13 dossier and the -- and the probe into it.

11:40:46 14 The Palestinian prosecution informed us --

11:40:48 15 CHECK INTERPRETER HAZOU: Wait. Wait.

11:40:52 16 (Comment in Arabic by Check Interpreter
11:40:52 17 Hazou.)

11:41:00 18 THE WITNESS: The Palestinian military
11:41:02 19 prosecution told us that we will inform you when you
11:41:08 20 can photocopy the file. Why? Because he was condemned
11:41:19 21 within the Palestinian military prosecution.

11:41:27 22 And we returned with my partner to Tulkarem.
11:41:34 23 I got home at 8:00 o'clock in the evening or something
11:41:38 24 around that. I remember at 3:00 a.m., there was
11:41:46 25 a telephone ringing that woke me up, and there was

11:41:50 1 continuous, like, a call.

11:41:59 2 So I went -- I was very alarmed, you know,

11:42:02 3 that maybe somebody in the family died or something.

11:42:08 4 I was surprised that somebody said: This is -- is

11:42:12 5 this attorney Jawad Amawi?

11:42:17 6 I told him: Yes, this is him.

11:42:21 7 He said: This is Abu Ziad Al-Bishtawi talking

11:42:27 8 to you, the head of the military prosecution in the

11:42:32 9 Jericho court. Within half an hour, he told me, you

11:42:39 10 have to be in my office in Jericho because the session

11:42:49 11 having to deal with the case of Shaher and Yusef will

11:42:57 12 be held within half an hour. Of course, from my home

11:43:05 13 to Jericho I need a couple hours.

11:43:12 14 I answered him literally that my helicopter

11:43:16 15 is not available. You can take them to court the way

11:43:23 16 you want. I closed the telephone, and I took out, you

11:43:30 17 know, the cable.

11:43:34 18 (Comment in Arabic by Check Interpreter

11:43:34 19 Hazou.)

11:43:38 20 THE WITNESS: And in the morning, it was all

11:43:40 21 over the papers that they were condemned. My colleague

11:43:47 22 Abdel Karim, was nervous. How can they sort of condemn

11:43:55 23 them, and we have -- we don't know about it?

11:43:57 24 I said: Don't be unfair to them. They did

11:44:03 25 inform us at 3:00 a.m.

11:44:04 1 MR. SCHOEN: Can I just interrupt one second?
11:44:04 2 When you use the word "condemned" in English, might he
11:44:09 3 mean "convicted"?

11:44:10 4 CHECK INTERPRETER HAZOU: Well, it's "tried."

11:44:12 5 MR. SCHOEN: "Tried"?

11:44:13 6 CHECK INTERPRETER HAZOU: "Tried." "They
11:44:13 7 were tried."

11:44:17 8 (Comment in Arabic by Check Interpreter
11:44:17 9 Hazou.)

11:44:43 10 CHECK INTERPRETER HAZOU: "They were tried."
11:44:44 11 He said: "They were tried."

11:44:50 12 THE WITNESS: This is in a nutshell what
11:44:53 13 happened in the case of Shaher and Yusef.

11:45:00 14 The family requested that we present an
11:45:02 15 appeal. And after I studied the case, me and my
11:45:04 16 partner, we apologized to the family that we cannot
11:45:05 17 go on in pursuing this file. And we made it clear
11:45:07 18 to the family that it is not that we are not willing
11:45:08 19 to engage in this case. We advise you to save your
11:45:09 20 money, whether it is to us or to others, because this
11:45:10 21 is a political trial and, whether we attend or we
11:45:11 22 appeal, nothing will change. And the family was
11:45:12 23 convinced by this argument, and they did not appeal.

11:45:13 24 I hope that you have had the full picture
11:45:15 25 of the matter.

11:45:15 1 Q. BY MR. SCHOEN: I want to try to give you
11:45:16 2 my understanding, and tell me if I'm correct.

11:45:17 3 Al-Rai was suspected of committing a murder
11:45:18 4 by the Israelis -- of an Israeli or more than one
11:45:19 5 Israeli?

11:45:27 6 A. Yes. There was an accusation directed against
11:45:33 7 him.

11:45:33 8 Q. And at -- at that time, in the system op --
11:45:38 9 operating then, the process would be something like
11:45:51 10 Israel would make a request or demand to turn him over
11:45:55 11 to Israel; right?

11:46:05 12 A. According to the Oslo Accords, if a
11:46:14 13 Palestinian in Areas A, B, under Palestinian control,
11:46:17 14 conducts a violation against an Israeli citizen, the
11:46:29 15 Israeli authorities have the right to bring him to
11:46:33 16 trial within its premises. This right comes to an
11:46:44 17 end in case he's tried by the PA.

11:46:47 18 Q. And when you say you believe it was a
11:46:51 19 political thing --

11:46:58 20 A. Yes.

11:46:58 21 Q. -- what you mean is the P -- the PNA made a
11:47:08 22 very quick trial, on the one hand, so they wouldn't have
11:47:17 23 to turn them over to Israel, but on the other hand, it's
11:47:27 24 something that upset the family because they wanted a
11:47:31 25 full trial?

11:47:49 1 A. You have a hypothesis that I cannot confirm,
11:47:52 2 why did they make this quick trial. I said -- said
11:48:15 3 this is a political trial because military tribunals
11:48:17 4 all over the world are illegitimate and usually they
11:48:22 5 carry political reasons behind them.

11:48:29 6 What you say may be correct, that they do
11:48:34 7 not want to hand them over. But -- but I cannot, you
11:48:42 8 know, guarantee that because I have not been responsible
11:48:46 9 for -- for their trial.

11:48:49 10 Q. You said originally -- the term in English
11:48:52 11 I heard was that there was originally an "outrage"
11:48:56 12 about the incident -- the arrest of Al-Rai?

11:49:34 13 A. This was in the media, that there has been,
11:49:36 14 you know, a lot of outrage that they were detained,
11:49:40 15 a lot of noise.

11:49:43 16 MR. McALEER: I'm sorry. Mr. Aghazarian,
11:49:44 17 were you finished? There -- there seems to be an
11:49:49 18 issue over the translation that the check translator
11:49:52 19 has.

11:49:52 20 CHECK INTERPRETER HAZOU: No, he also
11:49:54 21 turned my attention, because "outrage" means big --
11:49:57 22 "big thing," "big time," you know. "Outrage."

11:49:59 23 (Comment in Arabic by Check Interpreter
11:49:59 24 Hazou.)

11:49:59 25 CHECK INTERPRETER HAZOU: He said the word --

11:50:03 1 (Comment in Arabic by Check Interpreter
11:50:03 2 Hazou.)
11:50:03 3 CHECK INTERPRETER HAZOU: I would say --
11:50:04 4 (Comment in Arabic by Check Interpreter
11:50:04 5 Hazou.)
11:50:05 6 CHECK INTERPRETER HAZOU: Perhaps he means --
11:50:07 7 he means "hustle and bustle," you know.
11:50:09 8 OFFICIAL INTERPRETER BEN-NAIM: Hustle and
11:50:09 9 bustle.
11:50:10 10 CHECK INTERPRETER HAZOU: Some noise --
11:50:11 11 some noise, media -- media noise, hustle and bustle.
11:50:17 12 "Outrage" would mean -- would mean "big time."
11:50:38 13 THE WITNESS: Somebody -- somebody could
11:50:40 14 be detained, and there is no noise. And somebody
11:50:43 15 could be detained, and there is a lot of noise. And
11:50:45 16 it was the Israeli radio that was fanning these news.
11:50:51 17 Q. BY MR. SCHOEN: The noise was about the
11:50:53 18 accusation that Al-Rai had been -- the accusation that
11:50:59 19 Al-Rai had been involved with the murder of an Israeli?
11:51:07 20 A. Yes. Correct.
11:51:10 21 Q. How long -- what was the sentence that Al-Rai
11:51:19 22 got, if you remember?
11:51:22 23 A. I think seven years' detention.
11:51:25 24 Q. Uh-huh. All right. Let me just show the
11:51:31 25 video now and see if you recognize Al-Rai.

11:51:34 1 MR. SCHOEN: It takes about three minutes.

11:51:34 2 Oh, you don't have three minutes?

11:51:35 3 THE VIDEOGRAPHER: We have three minutes, but
11:51:37 4 you want this --

11:51:37 5 MR. SCHOEN: Yeah.

11:51:40 6 THE WITNESS: What is the purpose of -- I saw
11:51:41 7 it already.

11:51:43 8 Q. BY MR. SCHOEN: (Not translated.) Aah. You
11:51:43 9 saw the video during the break?

11:51:45 10 A. (In English.) Yeah.

11:51:46 11 Q. So very simple, did you recognize anyone in
11:51:49 12 that video?

11:51:55 13 A. I am honest. I don't recall people.

11:51:58 14 Q. I assume you're being honest with everything
11:52:01 15 you say.

11:52:11 16 A. You know, I mean, sometimes you could see,
11:52:13 17 could it be him or others? So in order to -- to --
11:52:17 18 to sort of determine the issue -- you have -- you have
11:52:28 19 asked me how many people you have defended, and I told
11:52:32 20 you thousands. And often people greet me, salute me
11:52:36 21 in the street. They said: You were my lawyer. And
11:52:40 22 I do not recall them.

11:52:46 23 In 2001 alone, in the Qanun Institute, I
11:52:51 24 have -- I have defended 2,500 people. And my colleague
11:52:56 25 George was working in the same organization. It's

11:53:02 1 impossible to remember all these faces. And if this
11:53:10 2 was a regular case, I would not have been a witness
11:53:13 3 in the way I am making now.

11:53:20 4 But for sure, somebody who calls and wakes
11:53:23 5 you up at 3:00 a.m. becomes indelible. You can remember
11:53:28 6 it. If it's a normal case, I cannot give you any
11:53:33 7 details.

11:53:34 8 Q. My only question, then, on that is -- I
11:53:39 9 don't know if you could hear well enough. But you saw
11:53:42 10 there were two people on the video, who the announcer
11:53:52 11 identified as Yusef and Shaher Al-Rai.

11:54:03 12 As you sit here today, you don't know whether
11:54:07 13 that's really Yusef and Shaher Al-Rai?

11:54:15 14 A. It could be them. It could -- but I assume
11:54:21 15 that, if there was a TV interview, it must be real.

11:54:25 16 Q. And also there was a Palestinian official,
11:54:28 17 Saeb Erekat?

11:54:37 18 A. Saeb is well-known. He is all the time in
11:54:41 19 the media.

11:54:41 20 Q. No, no. I'm just asking: You recognize him
11:54:44 21 on the video?

11:54:46 22 A. Of course.

11:54:47 23 Q. And there was a person who they said was
11:54:48 24 a general, some kind of Palestinian official who was
11:54:51 25 speaking.

11:54:56 1 A. I saw him, but I did not recognize him.

11:54:59 2 Q. Would it help you if you saw it again?

11:55:01 3 Would it help you determine if you would
11:55:04 4 know him, the general?

11:55:09 5 A. I have looked carefully, but I could not
11:55:12 6 recognize.

11:55:13 7 Q. So you don't know the name of that person?

11:55:17 8 A. No.

11:55:17 9 MR. SCHOEN: Okay. Let's take the break.

11:55:18 10 That's all I -- I'm sorry. Before we take the break,
11:55:20 11 that's all I wanted from the video, by the way.

11:55:26 12 THE VIDEOGRAPHER: Going off the record at
11:55:27 13 11:55.

11:55:29 14 (Recess from 11:55 a.m. to 12:10 p.m.)

12:10:45 15 THE VIDEOGRAPHER: Going back on record at
12:10:46 16 12:10.

12:10:54 17 Q. BY MR. SCHOEN: Mr. Amawi, I believe you said
12:10:57 18 your recollection is you think Mr. Al-Rai was sentenced
12:11:02 19 to about seven years --

12:11:11 20 (Pending question partially translated.)

12:11:11 21 MR. SCHOEN: "Al-Rai sentenced to about seven
12:11:13 22 years in prison."

12:11:15 23 (Remainder of pending question translated.)

12:11:16 24 THE WITNESS: That's what I think.

12:11:18 25 Q. BY MR. SCHOEN: Have you --

12:11:22 1 A. I haven't seen the sentence.

12:11:24 2 Q. I see.

12:11:26 3 Did you review any papers in preparing for
12:11:28 4 the deposition today?

12:11:36 5 A. No.

12:11:36 6 Q. You didn't look at any file for Mr. Al-Rai?

12:11:50 7 A. The file -- I already -- I already mentioned
12:11:52 8 that our office has become [sic] a military post and
12:11:56 9 all the papers vanished. And there was no dossier
12:12:04 10 because we were not allowed to photocopy in the first
12:12:09 11 place. There was a power of attorney from the family
12:12:12 12 and some documents here and there.

12:12:16 13 Q. Did you review those documents?

12:12:26 14 A. I say that within 2000 and 2001, when -- when
12:12:31 15 our office was detained and became like a military post,
12:12:35 16 all the papers disappeared.

12:12:37 17 Q. I -- I thought you meant that there were still
12:12:40 18 left a power of attorney and some other documents.

12:12:43 19 But there were no documents?

12:12:54 20 A. No. Nothing was left.

12:12:56 21 Q. Would there -- in the normal course of things,
12:13:02 22 would there have been a court file also for Mr. Al-Rai?

12:13:18 23 A. Usually -- usually there should be. But
12:13:23 24 according to the Union of Lawyers, we -- we should keep
12:13:28 25 the files for seven years. But after seven years, it

12:13:31 1 becomes -- becomes outdated.

12:13:39 2 Q. Do you have any copy of any document related
12:13:41 3 to Mr. Al-Rai in your office?

12:13:55 4 A. In my office, in the year 2000, there wasn't
12:13:58 5 a single paper left, not for Al-Rai and not for any
12:14:02 6 other person.

12:14:03 7 Q. Do you know whether the family of Al-Rai made
12:14:07 8 a -- made a request for payment for his -- because he
12:14:13 9 was detained?

12:14:20 10 A. While he was in prison with the PA?

12:14:23 11 Q. Yes.

12:14:24 12 A. I have no idea.

12:14:26 13 Q. Is there a place you could look to find out?

12:14:45 14 A. This is a very old period. At the time, the
12:14:48 15 PA was only in Jericho -- based in Jericho, because the
12:14:54 16 Declaration of Principles was to have Gaza and Jericho.
12:15:01 17 That was -- the reason that they were detained -- the
12:15:11 18 reason they were detained is that they were in Jericho.
12:15:14 19 Otherwise, you know, if they were in Kalkilya, the PA
12:15:14 20 at the time could not arrest them, because it was at
12:15:27 21 the initial phase and the PA did not have the authority
12:15:31 22 to -- to detainee them at the time. Otherwise, they
12:15:34 23 would have been left out.

12:15:36 24 Q. Do you know whether Mr. Al-Rai was detained
12:15:39 25 by either the Israelis or the Palestinians after this

12:15:42 1 Jericho incident?

12:15:57 2 A. Yes. I know that they were detained after
12:15:59 3 they were released from Jericho, from the Israeli side.

12:16:03 4 Q. They were detained by the Israeli side?

12:16:06 5 OFFICIAL INTERPRETER AGHAZARIAN: Yes.

12:16:07 6 THE WITNESS: Correct.

12:16:10 7 Q. BY MR. SCHOEN: Do you know whether as you --
12:16:11 8 do you know whether Mr. Al-Rai's family has ever made
12:16:16 9 any request for payment because of his detention?

12:16:31 10 A. Where? When?

12:16:33 11 Q. Any -- at anytime.

12:16:50 12 A. I have already answered that, during his
12:16:52 13 detention in Jericho, there weren't institutions. So
12:16:56 14 I would appreciate if you ask a specific question so
12:16:59 15 that I answer in a specific manner.

12:17:04 16 Q. Well, first of all, before Jericho, which
12:17:07 17 I mean '94, '95, I understood records were destroyed --
12:17:14 18 sorry. I said "before." I meant "since that date."

12:17:19 19 I want to focus on after Jericho, then.

12:17:25 20 You said that you're aware he was detained
12:17:27 21 by the Israelis?

12:17:32 22 A. Correct.

12:17:33 23 Q. Do you know whether Mr. Al-Rai's family made
12:17:36 24 any request for payment because of his detention by the
12:17:41 25 Israelis?

12:17:58 1 A. I haven't seen an application. But I assume,
12:18:04 2 yes, there must have been, like any other Palestinian
12:18:08 3 detainee --

12:18:12 4 Q. All right. So --

12:18:12 5 A. -- held -- held on the Israeli side.

12:18:15 6 MR. SCHOEN: "Held on the Israeli side"?

12:18:18 7 OFFICIAL INTERPRETER AGHAZARIAN: (Interpreter
12:18:18 8 nods head in the affirmative.)

12:18:19 9 Q. BY MR. SCHOEN: Okay. You told us before,
12:18:21 10 if an application is made, the family comes to your
12:18:27 11 office?

12:18:31 12 A. It's not my office.

12:18:32 13 Q. The office of your ministry?

12:18:37 14 A. (In English.) It's okay.

12:18:38 15 (Translated.) Correct.

12:18:39 16 Q. Is there more than one office, or is
12:18:42 17 there only one place for people to come to make
12:18:44 18 the application?

12:18:52 19 A. The main headquarters of the ministry is
12:18:54 20 in the town of Ramallah. And the ministry has branches
12:19:01 21 in all the governorates of the West Bank.

12:19:05 22 Q. So if a person -- if a person from Kalkilya
12:19:08 23 were detained, the procedure would be for his family
12:19:15 24 to go to a ministry office in Kalkilya to ask -- to
12:19:18 25 make application for the payment?

12:19:28 1 A. Correct.

12:19:29 2 Q. And when that person makes the application
12:19:31 3 we talked about, what happens to that piece of paper
12:19:39 4 they filled out, the application?

12:19:49 5 A. This application is dispatched to the
12:19:51 6 ministry, from the Kalkilya branch to the headquarters,
12:19:53 7 to Ramallah. This is until -- after 2007, this is the
12:20:01 8 procedure. Before -- before 2007, the headquarters
12:20:12 9 were in Gaza, before there was the coup d'etat, and
12:20:17 10 so no more to Gaza.

12:20:21 11 All branches were -- all the documents were
12:20:30 12 dispatched to Gaza previously before, and the Ramallah
12:20:37 13 office like -- was like a branch like all the other
12:20:41 14 governorates. The fall of Gaza under the rule of Hamas,
12:20:48 15 and it's controlling everything, so the ministry was
12:20:58 16 established anew in Ramallah. And we proceed from
12:21:01 17 there. And until now, we are trying to gather data
12:21:11 18 that is available. And this is still far from being
12:21:15 19 complete.

12:21:16 20 Q. Would they, in the normal course of things --
12:21:18 21 would they, in the normal course of things, keep a
12:21:24 22 copy of the application in the Kalkilya office if
12:21:27 23 the application was made in Kalkilya?

12:21:41 24 A. No.

12:21:43 25 Q. After 2007, you're most familiar with that

12:21:50 1 process now?

12:21:57 2 A. I became familiar, rather, after 2008.

12:22:01 3 Q. Okay. Today -- let's take today, as you
12:22:07 4 sit here. If a person make -- the family makes
12:22:09 5 application, the application is sent to Ramallah.

12:22:18 6 And then what?

12:22:20 7 Is a file -- a paper file created for the
12:22:23 8 detainee's payments?

12:22:50 9 A. The application is dispatched with a special
12:22:53 10 relevant unit and endorsed. It's not decision taking
12:22:58 11 it will be endorsed. [sic] And the decision is taken
12:23:01 12 in order to start providing the -- the funds. And they
12:23:10 13 would put it in envelopes after they complete the thing,
12:23:13 14 either in boxes or in certain special envelopes. And
12:23:21 15 it is not stored in a proper archival manner.

12:23:34 16 And it was problematic to the families
12:23:37 17 because sometimes, if there is something missing, they
12:23:40 18 would come up with certain documents five or six times.
12:23:47 19 Starting from this year, there is an attempt to start
12:23:50 20 a proper type of archives. This has not been complete
12:23:56 21 yet. We hope that this will be achieved within the
12:24:01 22 coming year.

12:24:04 23 Q. How about when the application -- if an
12:24:06 24 application were made in the period of time from 2000
12:24:12 25 to 2006, let's say, and that person is still being

12:24:27 1 detained today --

12:24:33 2 A. (In English.) Okay.

12:24:34 3 Q. -- how would you determine that that's a
12:24:37 4 person who made application and is entitled to payments?

12:24:55 5 A. He was, say, detained in the year 2000,
12:24:56 6 and later on, an application was done, and the sort
12:25:02 7 of allowances were -- started to be paid. With the
12:25:12 8 fall of Gaza in the year 2006, there was a CD that had
12:25:17 9 contained -- for the monthly payments to be dispatched.
12:25:26 10 It was this CD that we have endorsed in order to pursue
12:25:30 11 payments and deal with the matters.

12:25:33 12 What is existing until this moment -- those
12:25:40 13 detainees who are still there in detention since the
12:25:43 14 year 2000, now we started to gather the data in order
12:25:51 15 to start new, complete dossiers.

12:25:56 16 Q. But the CD is something that was rescued from
12:26:00 17 Gaza?

12:26:07 18 A. Yes. There was a CD that employees of the
12:26:12 19 ministry managed to get it out.

12:26:14 20 Q. And that has some records, but not all
12:26:17 21 records?

12:26:30 22 A. It's not -- it's not records. But it has
12:26:32 23 the names of the detainees, the time span of the --
12:26:36 24 of the sentence, of the detention. And that's what
12:26:41 25 it is.

12:26:41 1 Q. And if you wanted to find out -- if you wanted
12:26:44 2 to find out for --

12:26:46 3 CHECK INTERPRETER HAZOU: It's a financial CD.

12:26:47 4 MR. SCHOEN: I'm sorry?

12:26:48 5 CHECK INTERPRETER HAZOU: It's a financial CD.

12:26:48 6 Q. BY MR. SCHOEN: Financial CD with data on
12:26:50 7 it -- information, data on it? It would --

12:27:02 8 A. Correct.

12:27:02 9 Q. It would have the detainee's name and the
12:27:03 10 amount that's been paid to the detainee?

12:27:10 11 A. And the -- the time of detention.

12:27:13 12 CHECK INTERPRETER HAZOU: No, no. "The period
12:27:14 13 of sentence."

12:27:15 14 MR. SCHOEN: "The length of" --

12:27:16 15 CHECK INTERPRETER HAZOU: "Of the sentence."

12:27:19 16 MR. McALEER: Does the official translator
12:27:22 17 accept that proposed translation?

12:27:26 18 THE WITNESS: The sentence period.

12:27:27 19 Q. BY MR. SCHOEN: Meaning the length of the
12:27:29 20 sentence?

12:27:30 21 CHECK INTERPRETER HAZOU: Yes.

12:27:31 22 OFFICIAL INTERPRETER AGHAZARIAN: Yes.

12:27:34 23 THE WITNESS: Sentence, five years or one
12:27:36 24 year.

12:27:38 25 CHECK INTERPRETER HAZOU: Thanks.

12:27:39 1 Q. BY MR. SCHOEN: And is there an identification
12:27:40 2 number for each person?

12:27:43 3 A. Yes, of course.

12:27:44 4 Q. So if you wanted to find out whether any
12:27:47 5 particular person who was detained made an application,
12:27:50 6 you could do a search by the name or by identification
12:28:02 7 number?

12:28:14 8 A. If somebody receives allowances from the
12:28:19 9 ministry, then this will appear as what amounts have
12:28:26 10 been received. It's on the lists.

12:28:30 11 Q. (Not translated.) How -- how are you
12:28:55 12 physically moving the paper files during that time
12:29:04 13 period you spoke about when the files were all
12:29:09 14 transferred to Gaza, sent to Gaza?

12:29:14 15 OFFICIAL INTERPRETER BEN-NAIM: I will add
12:29:16 16 "mail" --

12:29:21 17 MR. SCHOEN: Sent.

12:29:22 18 OFFICIAL INTERPRETER BEN-NAIM: -- just for --
12:29:22 19 okay. By mail?

12:29:22 20 MR. SCHOEN: I don't know. That's what I'm
12:29:23 21 asking.

12:29:23 22 OFFICIAL INTERPRETER BEN-NAIM: Okay.

12:29:24 23 (Pending question translated.)

12:29:28 24 THE WITNESS: It used to be put in boxes and
12:29:31 25 dispatched with the post office.

12:29:35 1 Q. BY MR. SCHOEN: Do you know when Mr. Al-Rai
12:29:37 2 was released on this Jer -- he was detained in Jericho
12:29:41 3 from the '94, '95 arrest; right?

12:29:52 4 A. Correct.

12:29:53 5 OFFICIAL INTERPRETER BEN-NAIM: "Do you know"?

12:29:55 6 MR. SCHOEN: No. I just ask what I asked.

12:29:57 7 OFFICIAL INTERPRETER BEN-NAIM: Aah, okay.

12:29:58 8 Q. BY MR. SCHOEN: Was he detained in Jericho?

12:30:01 9 A. Yes, in Jericho.

12:30:02 10 Q. And do you know when he was released?

12:30:06 11 A. No.

12:30:06 12 Q. Do you know whether he served the full
12:30:09 13 seven-year sentence?

12:30:15 14 A. I have no idea. I can't tell.

12:30:17 15 Q. Do you know whether, during the seven years,
12:30:18 16 he was released and then locked up again anytime?

12:30:33 17 MR. McALEER: Objection. Vague.

12:30:34 18 Counsel, are you talking about locked up by
12:30:37 19 the Palestinian Authority or by Israel?

12:30:43 20 Q. BY MR. SCHOEN: I mean by the Palestinians.

12:30:44 21 Was he released from the jail and then taken
12:30:49 22 back into the jail?

12:31:04 23 A. I don't have a ready-made answer. But
12:31:14 24 according to the Palestinian law, unlike the Israeli
12:31:17 25 law, we don't have a system to release for a period

12:31:19 1 and then bring him back. They have to -- to pass the
12:31:25 2 entire sentence or get --

12:31:32 3 CHECK INTERPRETER HAZOU: "Amnesty."

12:31:34 4 THE WITNESS: -- amnesty.

12:31:42 5 But there were other elements that interfered
12:31:44 6 with this dossier at a later period. Because the person
12:31:56 7 that allegedly has made the confession, Jamal Al-Hindi,
12:32:01 8 who was detained on the Israeli side and he confessed
12:32:09 9 that they have been involved in the murder, his lawyer
12:32:15 10 was able to prove through -- through the Israeli
12:32:18 11 military tribunal that this confession is false and
12:32:27 12 it was extracted under torture.

12:32:41 13 It -- it was proven that this person was
12:32:44 14 working in a West Bank settlement. And for everybody
12:32:57 15 who works in settlements, Palestinians, they have to
12:33:01 16 sort of press their card in the morning and in the
12:33:04 17 evening by the security at the entrance of the gate.
12:33:21 18 And this documentation at the settlement proved that
12:33:26 19 he was on his job in the settlement between 8:00 a.m.
12:33:31 20 and 4:00 p.m. And the -- the murder was supposed to
12:33:36 21 have taken place around noon. And as much -- somebody
12:33:45 22 cannot be in Kalkilya and in Jericho at the same time.

12:33:51 23 So based on this, Jamal Hindi was sentenced
12:33:54 24 to be innocent. And if the main person confessing
12:34:03 25 has -- is proven to be innocent -- and this is not

12:34:07 1 an assumption because, as we mentioned earlier, he
12:34:15 2 was detained later -- after he left, he was detained
12:34:18 3 by the Israelis, and now he's in Kalkilya. The Israelis
12:34:26 4 can get him anytime they -- they would want to. And
12:34:34 5 if it was proven that he -- he has murdered an Israeli,
12:34:38 6 he would have had a life sentence.

12:34:51 7 And all those whose hands are -- have blood,
12:34:56 8 they -- they will not be released, despite all the
12:35:00 9 negotiations and so on. And this proves -- that
12:35:10 10 Shaher and Yusef and Jamal are free outside prison,
12:35:15 11 this proves that their hands were not smeared with
12:35:24 12 blood.

12:35:25 13 Q. BY MR. SCHOEN: Al-Rai was not charged with
12:35:27 14 murder in -- by the Palestinian courts; right?

12:35:48 15 A. The term which is used according to the
12:35:50 16 special Palestinian military law is that this is
12:35:56 17 "undermining national interests."

12:36:05 18 Q. What is undermining national interests?

12:36:23 19 A. That the Palestinians -- that any action
12:36:37 20 that might assume an Israeli response to enter the
12:36:43 21 Palestinian areas is considered undermining national
12:36:46 22 interests. Any shooting or thing that would lead
12:36:50 23 to an Israeli response for -- for hitting back is
12:36:54 24 considered undermining national interests.

12:36:57 25 Q. And he got a seven-year sentence for that?

12:37:04 1 A. Correct. That's right.

12:37:05 2 Q. As you sit here today, you don't know for sure
12:37:09 3 whether Al-Rai committed a murder or not?

12:37:26 4 A. I assure -- I -- I vehemently believe that he
12:37:31 5 has not killed.

12:37:32 6 Q. You believe it --

12:37:46 7 A. It's not believing. It's not belief. It's
12:37:49 8 confirmed emphatically. Because Israel will -- in case
12:37:55 9 there's killing, he was in their hands, they would have
12:37:59 10 brought him even if he was in a country abroad. So I
12:38:03 11 emphatically confirm that he has not killed, because
12:38:05 12 Israel would not have ever allowed that he will be free
12:38:09 13 if he did it.

12:38:28 14 Dirar Al-Sissi, who is from Gaza, he was
12:38:29 15 kidnapped from Ukraine on the assumption that he was
12:38:34 16 preparing rockets to hit from Gaza. So what about
12:38:46 17 somebody who is exactly down there under the hands
12:38:49 18 of the Israelis and he was not sentenced? The Israeli
12:38:56 19 side is emphatically convinced that he did not murder.

12:39:02 20 Q. When -- I'm sorry.

12:39:03 21 A. Okay.

12:39:04 22 Q. (Not translated.) When was -- when did the
12:39:06 23 court in Israel throw out the Al-Hindi confession? What
12:39:11 24 year?

12:39:13 25 OFFICIAL INTERPRETER BEN-NAIM: Again, please?

12:39:15 1 Q. BY MR. SCHOEN: What year did the Israeli
12:39:17 2 court throw out the Al-Hindi confession, find that it
12:39:21 3 was a coerced confession?

12:39:23 4 (Comments in Arabic by Check Interpreter Hazou
12:39:37 5 and Mr. Saadi.)

12:39:58 6 THE WITNESS: During -- the period of
12:39:59 7 detention of Shaher and Yusef was going in line with
12:40:03 8 the beginning of the case against Jamal Hindi, who
12:40:08 9 I cannot specify a period, but I estimate that it is
12:40:13 10 two years.

12:40:18 11 Q. BY MR. SCHOEN: Two years after the detention
12:40:21 12 of Al-Rai began?

12:40:24 13 MR. ROCHON: No, no. That wasn't your
12:40:25 14 question. Your question was -- your question was:
12:40:28 15 How long after he was -- it took for them to try
12:40:31 16 Al-Hindi's case?

12:40:33 17 Q. BY MR. SCHOEN: My question was: During what
12:40:33 18 time period -- when was Al-Hindi's confession throw out?

12:40:38 19 When did the court find Al-Hindi's confession
12:40:41 20 to be thrown out, was coerced?

12:40:50 21 A. I -- I am not the -- the lawyer defending
12:40:56 22 Al-Hindi. But his lawyer is my friend. His name
12:41:00 23 is Khaled Quzmar. He is the person that tackled this
12:41:09 24 dossier. I know the proceedings, the deliberations,
12:41:16 25 but I do not have the dates. I cannot confirm the

12:41:21 1 dates. But I know the deliberations that happened
12:41:24 2 in this case.

12:41:25 3 Q. Is it your understanding that Al-Rai was
12:41:28 4 released from detention in Jericho because this Al-Hindi
12:41:34 5 confession was found to be coerced?

12:41:55 6 A. What I am sure -- what I know, that after
12:42:04 7 they were released, there was an uproar and that there
12:42:08 8 were certain people released. And how come he was not
12:42:12 9 released?

12:42:16 10 (Brief exchange in Arabic between Official
12:42:16 11 Interpreter Ben-Naim and Official Interpreter
12:42:16 12 Aghazarian.)

12:42:22 13 THE WITNESS: The families were saying that,
12:42:23 14 if Jamal Al-Hindi was detained by the Israelis -- was
12:42:28 15 released and he is the -- the person that has testified
12:42:32 16 or made a confession against our kids and -- and the
12:42:38 17 Palestinian court sentenced them based on the confession
12:42:42 18 of Hindi and, despite this, the PA had not released
12:42:48 19 them. And this is why, from the beginning, when I said
12:42:52 20 that it is politically motivated. But despite the fact
12:43:02 21 that the PA knew they were not the murderers, but for
12:43:05 22 political reasons, they chose to keep them incarcerated.

12:43:11 23 Q. BY MR. SCHOEN: As a PA representative, when
12:43:14 24 do you believe the PA knew that Al-Rai didn't commit
12:43:18 25 this murder?

12:43:31 1 A. I cannot answer.

12:43:32 2 Q. Again, do you know when Al-Rai was released
12:43:36 3 from Jericho?

12:43:46 4 A. I already answered. I don't know.

12:43:49 5 Q. Is there a way for you to find that out?

12:43:55 6 A. No. You assume things that you must be
12:44:05 7 knowing about.

12:44:10 8 After 2000 -- the invasion of -- or the
12:44:13 9 incursions of 2000, every -- all the documents of
12:44:16 10 the PA were demolished. All the security apparatus
12:44:21 11 has been demolished. Even the files that were at the
12:44:31 12 president's residence or compound have been taken. So
12:44:42 13 there is -- is no way. All the files were defaced --
12:44:44 14 were -- vanished.

12:44:46 15 Q. Did the Israelis enter Jericho and take files
12:44:49 16 from Jericho?

12:44:55 17 A. They took also people, including Sa'adat.

12:45:02 18 Q. I'm asking specifically about files, though.

12:45:09 19 A. For sure they have taken files. And they
12:45:12 20 have taken documents, papers, and everything. Even
12:45:20 21 at the level of the people paying visits to the various
12:45:24 22 PA departments were taken.

12:45:28 23 Q. And it's your testimony today that, as far
12:45:31 24 as you know, there's no court file existing regarding
12:45:46 25 the Shaher prosecution, Shaher Al-Rai?

12:45:58 1 A. Yes.

12:45:58 2 Q. And there's no document or way to find
12:46:03 3 information, as far as you know, about when Al-Rai
12:46:11 4 was released from Jericho?

12:46:22 5 A. Maybe somebody could know based on a personal
12:46:27 6 basis, you know, on a personal -- but not as a document.

12:46:32 7 Q. What, if anything, did you do to
12:46:33 8 investigate -- to prepare today on these questions?

12:46:55 9 A. I sat with Chas and Mark, and we exchanged
12:47:00 10 ideas. I asked at the military prosecution about their
12:47:06 11 dossiers. And the response was that they do not have
12:47:13 12 any record or document related to this case. And this
12:47:18 13 is the party that has sentenced them.

12:47:25 14 And since the party that has sentenced them
12:47:28 15 do not have any documents, so it means that no other
12:47:31 16 party does have documents related to this. This is
12:47:36 17 all what happened in preparing for this session.

12:47:40 18 Q. And is it your testimony in this well-known
12:47:43 19 case, a case that made a lot of noise, that you didn't
12:47:51 20 have any way to find out when the Al-Rai -- Shaher
12:47:56 21 Al-Rai was released?

12:48:05 22 A. Yes. Correct.

12:48:06 23 Q. Or the circumstances of his release?

12:48:12 24 A. Neither their release circumstances.

12:48:16 25 MR. SCHOEN: I didn't hear you.

12:48:17 1 OFFICIAL INTERPRETER AGHAZARIAN: "Neither
12:48:18 2 the circumstances of release."

12:48:19 3 Q. BY MR. SCHOEN: Do you know where Shaher --
12:48:21 4 Shaher Al-Rai is today?

12:48:29 5 A. I assume in his normal place of residence.

12:48:33 6 Q. Did you make any attempt to contact him to
12:48:35 7 find out the information?

12:48:40 8 A. No.

12:48:41 9 Q. (Not translated.) Did you understand that
12:48:42 10 you had a duty to investigate to be able to answer the
12:48:45 11 questions that you're designated for?

12:48:48 12 OFFICIAL INTERPRETER BEN-NAIM: Again? Sorry.

12:48:50 13 Q. BY MR. SCHOEN: Did you understand that you
12:48:51 14 had a duty to investigate to be able to answer the
12:48:56 15 questions fully that you were designated for?

12:48:58 16 (Pending question partially translated.)

12:48:58 17 OFFICIAL INTERPRETER BEN-NAIM: I'm sorry.
12:49:09 18 I'm sorry. I lost the thing.

12:49:11 19 (Brief exchange in Arabic between Official
12:49:11 20 Interpreter Aghazarian and Official Interpreter
12:49:11 21 Ben-Naim.)

12:49:13 22 MR. McALEER: (Not translated.) Objection
12:49:14 23 to form to the extent it calls for any sort of legal
12:49:18 24 conclusion.

12:49:18 25 (Comment in Arabic by the witness.)

12:49:19 1 MR. SCHOEN: He didn't translate. Translate
12:49:21 2 what Chas said.

12:49:23 3 OFFICIAL INTERPRETER BEN-NAIM: Oh, sorry.
12:49:23 4 Chas?

12:49:24 5 MR. McALEER: Object to the form of the
12:49:24 6 question to the extent it calls for any sort of legal
12:49:29 7 conclusion.

12:49:39 8 THE WITNESS: Could you repeat the -- the
12:49:41 9 question?

12:49:42 10 Q. BY MR. SCHOEN: Yes.

12:49:43 11 Did you understand, in preparing for this
12:49:45 12 deposition to testify today, that you had -- that
12:49:53 13 you had a duty to investigate all of the facts related
12:50:01 14 to the subjects you were going to testify on?

12:50:21 15 A. Within the level of my knowledge and the
12:50:25 16 information that I have and the available requirements
12:50:32 17 with us.

12:50:34 18 Q. You understand that one thing you were to
12:50:35 19 testify about are the full details of -- among the
12:50:49 20 imprisonment and release by the PA of Al-Rai?

12:51:05 21 A. Yes. But I clearly stated that we do not
12:51:07 22 have any data or records with the PA. If I do not have,
12:51:17 23 you know, all these files, then how can -- shall I go
12:51:20 24 and invent it or create it?

12:51:22 25 Q. It didn't occur to you to speak to Al-Rai

12:51:25 1 to ask him when he was released from prison?

12:51:34 2 A. That's not my job. Why should I talk to
12:51:36 3 Al-Rai?

12:51:37 4 Q. So you don't understand that to be included
12:51:40 5 with your duty to investigate?

12:51:41 6 MR. McALEER: Same objection.

12:51:54 7 THE WITNESS: Definitely it's not part of
12:51:56 8 my duty.

12:51:56 9 Q. BY MR. SCHOEN: And you had been Al-Rai's
12:52:00 10 lawyer; right?

12:52:03 11 A. Yes, at the given period of time.

12:52:05 12 Q. What period of time?

12:52:08 13 A. The period -- the period when he was in the
12:52:13 14 Jericho prison that I have elaborately talked about.

12:52:17 15 Q. Specifically for the offense that we're
12:52:19 16 talking about now?

12:52:25 17 MR. McALEER: Objection. Form. It's vague.

12:52:31 18 THE WITNESS: Correct.

12:52:32 19 Q. BY MR. SCHOEN: Did you speak to any of the
12:52:34 20 people who were working at the jail in Jericho?

12:52:40 21 A. No.

12:52:42 22 Q. Did you take any other steps to investigate
12:52:45 23 when Al-Rai was released from jail in Jericho?

12:53:07 24 A. I am clear that the party which is responsible
12:53:11 25 for all the military prisons is the Palestinian military

12:53:17 1 prosecution. It is the Palestinian military prosecution
12:53:24 2 which is supervising the whole affair, from sentencing
12:53:28 3 to imprisonment, and all related matters. And since
12:53:34 4 this is the party that is specialized in these matters,
12:53:41 5 I consulted with them in a -- in an official capacity.
12:53:44 6 And their answer was that everything has been
12:53:51 7 demolished. We do not have anything left. So there
12:54:00 8 is no need for me to go around in the street and ask:
12:54:02 9 When -- when was Shaher released?

12:54:12 10 And even if I was his lawyer, the day that
12:54:16 11 the sentence was issued, my role is finished. And so
12:54:18 12 I step out. They can through -- through the Israelis,
12:54:30 13 they can bring him and tell him when he was released.
12:54:34 14 And he was later on detained by the Israelis after
12:54:37 15 he was released from Jericho.

12:54:39 16 Q. How did you know that?

12:54:47 17 A. It's in the media, all over. This is not
12:54:52 18 a difficult issue. It's -- it's out there. I said
12:54:57 19 it raised an uproar in the media.

12:55:00 20 Q. But their release from jail in Jericho didn't
12:55:03 21 raise an uproar? That wasn't in the media?

12:55:14 22 A. I don't remember when.

12:55:17 23 Q. But you know when he was arrested by the
12:55:20 24 Israelis because it was in the media, you just
12:55:23 25 testified?

12:55:30 1 MR. McALEER: Objection. Mis --

12:55:34 2 THE WITNESS: No. No. Don't let me tell
12:55:37 3 something I haven't said. Don't put words in my mouth
12:55:43 4 and don't veer the discussion from its track.

12:55:48 5 I know the date of his detention because
12:55:51 6 I was his lawyer. This is your job to know when he
12:55:58 7 was detained, when he was released. That's your side
12:56:02 8 of the responsibility.

12:56:03 9 Q. BY MR. SCHOEN: Do you understand that
12:56:04 10 your responsibility, as a PNA representative today,
12:56:08 11 is to testify, as the designated witness, about the
12:56:26 12 full details of Shaher Al-Rai's arrest, indictment,
12:56:40 13 trial, sentencing, imprisonment, and release by the PA?

12:56:53 14 Do you understand that that's your job today?

12:57:00 15 MR. McALEER: Objection. Argumentative and
12:57:01 16 for the reason previously stated to the prior iteration
12:57:06 17 of that question. And asked and answered.

12:57:20 18 THE WITNESS: I understand it is my duty
12:57:21 19 within the information and the data that are available
12:57:26 20 under my hands.

12:57:28 21 In all courts, tribunals in the world,
12:57:32 22 when a witness is summoned, he answers within the
12:57:38 23 available -- requirements available with him, whether
12:57:45 24 it is a bank -- bank clerk or representing a company
12:57:49 25 or representing an authority.

12:57:58 1 I -- I -- when I, in law, in my practice,
12:58:00 2 I summon a bank employee and I ask him for certain
12:58:06 3 information, and he could say: I simply don't have
12:58:09 4 it under my fingertips. Although I tell him I want
12:58:15 5 all this relevant information, he says: I don't have
12:58:18 6 it under my fingertips. If he doesn't have it, then
12:58:23 7 the issue is over.

12:58:33 8 You're holding me accountable. In all the
12:58:37 9 world -- we're speaking of about 19 years here -- there
12:58:48 10 isn't a single institution that keeps its records for
12:58:52 11 19 years. This is under normal circumstances, let alone
12:58:59 12 a party that was subject to comprehensive demolition,
12:59:04 13 and after that, to insinuate that we are failing or we
12:59:14 14 are not fulfilling our obligations -- our obligations.

12:59:19 15 When you ask why these documents are not
12:59:24 16 available, it's the occupation that has demolished them.
12:59:32 17 But to insinuate that we are not responsive -- I have
12:59:37 18 answered, and I have given you all what [sic] I have.
12:59:39 19 And most of the issues mentioned in the paper has been
12:59:46 20 answered. If there is something which is not available,
12:59:51 21 that's not the end of the world. That's the fact on
12:59:54 22 the ground.

12:59:55 23 Q. BY MR. SCHOEN: Do you understand that I
12:59:56 24 didn't select you to be the witness today?

13:00:04 25 A. I do know that.

13:00:05 1 Q. And that it doesn't matter to me what you
13:00:08 2 have available to you.

13:00:09 3 Do you understand that?

13:00:17 4 A. Once again, I reiterate, I am not speaking
13:00:23 5 in my personal capacity that I don't have it available.
13:00:27 6 I'm speaking as a PA that does not have availability
13:00:32 7 of the information.

13:00:39 8 I went to the party that is specialized
13:00:42 9 and is supposed to have the files, and this has been
13:00:46 10 demolished. Whether it is me or it is Mr. President,
13:00:56 11 the answer will be the same, because we do not have
13:01:01 12 any documents, regardless of who is sitting on this
13:01:07 13 witness chair.

13:01:08 14 Q. Is it your testimony that no one with the
13:01:11 15 PA could -- could engage in a reasonable investigation
13:01:22 16 to find out when Shaher Al-Rai was released from prison
13:01:29 17 in Jericho?

13:01:39 18 A. What do you mean by -- by "engaging in an
13:01:42 19 interrogation"?

13:01:43 20 MR. SCHOEN: "Investigation."

13:01:46 21 OFFICIAL INTERPRETER AGHAZARIAN:

13:01:45 22 "Investigation."

13:01:46 23 Q. BY MR. SCHOEN: Any reasonable investigation.

13:01:48 24 Is it your -- any reasonable investigation.

13:01:52 25 Is it your testimony that there is some

13:01:56 1 obstacle that makes it impossible for a representative
13:02:02 2 of the PNA to find out --

13:02:09 3 (Brief exchange in Arabic between Official
13:02:09 4 Interpreter Ben-Naim and Check Interpreter Hazou.)

13:02:12 5 Q. BY MR. SCHOEN: -- to find out when Al-Rai
13:02:15 6 was released from the prison in Jericho?

13:02:38 7 A. I am sorry that I have been responding to
13:02:41 8 that question repeatedly.

13:02:47 9 Just as there is focus on the questions,
13:02:49 10 we should also focus on the answers in order to --
13:02:53 11 to save time. I have clearly stated that, as far as
13:03:05 12 papers are concerned, documents, there is nothing with
13:03:10 13 the PA. And I said that maybe there is somebody out
13:03:26 14 there, a soldier, an official or just a person that
13:03:30 15 remembers the date in a personal capacity.

13:03:42 16 But I'm not in a position to put a TV ad or
13:03:44 17 make a circular and ask the people: Anyone who knows
13:03:49 18 something about Shaher Al-Rai, come and report to us.
13:03:55 19 I work within the available means and -- and -- under
13:03:58 20 my disposition in the institution. That's how I --
13:04:01 21 I deal.

13:04:02 22 Q. Is it your testimony that the only way to
13:04:05 23 find out when -- when Rai -- Al-Rai was released is
13:04:17 24 from documents?

13:04:26 25 MR. McALEER: Objection. Objection to the

13:04:38 1 extent -- to the extent counsel is trying to, by his
13:04:45 2 question, characterize the witness' prior testimony.
13:04:49 3 The question misstates the testimony.

13:04:51 4 And to the extent it does not try to
13:04:55 5 characterize the prior testimony, this area has been
13:04:59 6 asked and answered. And berating the witness further
13:05:02 7 on this I don't think is productive, Counsel.

13:05:06 8 MR. SCHOEN: Please don't use the word
13:05:06 9 "berating." I'm not berating. I'm engaging in
13:05:08 10 discussion with the witness.

13:05:09 11 MR. McALEER: You are -- you are visibly
13:05:14 12 enervated, raising your voice level higher than it
13:05:19 13 was before. And just a couple of moments ago, you
13:05:23 14 were thrusting your finger into the table. So --

13:05:27 15 MR. SCHOEN: Don't -- don't make up a record.
13:05:27 16 I wasn't thrusting any finger into any table.

13:05:31 17 MR. McALEER: I'm not making it up. I saw it.

13:05:40 18 THE WITNESS: I have answered the question.

13:05:41 19 Q. BY MR. SCHOEN: Okay. Is there any obstacle
13:05:43 20 you're aware of that would prevent a PA or PNA
13:05:46 21 representative from speaking to Mr. Al-Rai to try
13:06:01 22 to find out when he was released from Jericho?

13:06:10 23 A. Yes. Correct.

13:06:12 24 Q. There is an obstacle?

13:06:16 25 A. Correct.

13:06:17 1 Q. What's that obstacle?

13:06:20 2 A. The obstacle is that Al-Rai will not cooperate
13:06:23 3 with us.

13:06:24 4 Q. Did you ask him?

13:06:27 5 A. Without asking him, he will not cooperate.

13:06:33 6 Q. Why do you say that?

13:06:38 7 A. Because after -- because after he left --
13:06:43 8 because he launched a campaign against the Authority.
13:06:46 9 And he said this is the worse period. And he -- he
13:06:51 10 sort of vehemently attacked the PA.

13:06:59 11 And he said even mentioning this issue will
13:07:02 12 cause him a deep psychological strain. And he spoke
13:07:11 13 about this, how bitterly he was injured from the --
13:07:14 14 on the radio and TV. The people that have reported
13:07:28 15 for the CNN should have also made a follow-up to see
13:07:32 16 his declarations of vehement attack on the PA after
13:07:36 17 he was released from Jericho.

13:07:37 18 Q. You just saw the CNN video; correct?

13:07:45 19 A. Correct.

13:07:45 20 MR. SCHOEN: We'll mark the CD as Exhibit A
13:07:49 21 for today's deposition.

13:07:54 22 (J. Amawi Exhibit A identified.)

13:07:54 23 Q. BY MR. SCHOEN: Are you aware, from watching
13:07:56 24 that video, that the PA was able to produce a witness,
13:08:06 25 a representative of the PA who they -- they represent

13:08:18 1 to be Brigadier General Younis Al-Assi?

13:08:23 2 Do you know that person?

13:08:30 3 A. It's a known name.

13:08:32 4 Q. Uh-huh.

13:08:33 5 They were able to -- CNN interviewed him,
13:08:36 6 and he was able to tell them about the circumstances
13:08:47 7 of Al-Rai's detention and whether he had been released
13:08:52 8 from jail.

13:08:58 9 Are you aware of that now from watching the
13:09:01 10 video?

13:09:03 11 MR. McALEER: Objection. Assumes facts and
13:09:05 12 lack of foundation.

13:09:08 13 THE WITNESS: I have seen the pictures. I
13:09:11 14 have not heard exactly what was said.

13:09:14 15 Q. BY MR. SCHOEN: Would you like to hear it
13:09:15 16 again?

13:09:18 17 A. It will not change anything.

13:09:20 18 Q. It won't change anything to you?

13:09:34 19 A. For me, this is a recording. I'm not going
13:09:37 20 to deny or approve anything. It's already on record.
13:09:43 21 I don't know when this interview was conducted. Maybe
13:09:50 22 somebody who has lived the scene could respond to it,
13:09:54 23 you know, directly, but not -- without papers. They
13:09:57 24 would just remember it. But the same person, if you
13:10:02 25 come and refer to him after two decades, unfortunately

13:10:08 1 will not be able to answer you without having some
13:10:12 2 written material.

13:10:14 3 And I reiterate once more: If there weren't
13:10:22 4 special elements in this particular dossier, without
13:10:27 5 having written material, I could not have handled
13:10:31 6 the matter or the witness. And I witness within the
13:10:39 7 information which is available with the PA.

13:10:43 8 If the party that has sentenced does not have
13:10:46 9 any written material, it means that there is no other
13:10:50 10 party that can -- that can have the information on this.
13:11:02 11 There might be people that remember in a personal way.
13:11:05 12 My job is not just to speculate. But somebody -- some
13:11:12 13 warden might remember something here and there. But
13:11:14 14 I cannot speculate on this matter.

13:11:18 15 Q. Do you understand no one's asking you to
13:11:20 16 speculate?

13:11:20 17 (Comment in Arabic by the witness.)

13:11:22 18 THE VIDEOGRAPHER: We have to change the tape.

13:11:23 19 MR. SCHOEN: Oh, okay. The tape is out?

13:11:23 20 THE VIDEOGRAPHER: No, we have to change
13:11:23 21 the tape now.

13:11:23 22 MR. SCHOEN: We need to get his answer to
13:11:23 23 the question.

13:11:41 24 THE WITNESS: I answered. So what do you
13:11:42 25 want from me?

13:11:44 1 MR. SCHOEN: No, what was the answer? You
13:11:44 2 didn't trans -- he said "okay" or something like that.

13:11:48 3 THE WITNESS: What is it?

13:11:49 4 Q. BY MR. SCHOEN: The question was: Do you
13:11:50 5 understand I'm not asking you to speculate?

13:12:06 6 A. The way your questions -- you want me to --
13:12:09 7 to be a fortune teller or speculate for you. You --
13:12:18 8 you insist that you must have an answer. I don't have
13:12:21 9 an answer, I tell you. And you say: You must have
13:12:24 10 an answer.

13:12:25 11 MR. SCHOEN: The tape is out now.

13:12:28 12 THE VIDEOGRAPHER: Going off the record at
13:12:29 13 1:12.

13:12:31 14 (Recess from 1:12 p.m. to 1:29 p.m.)

13:30:11 15 THE VIDEOGRAPHER: Going back on record at
13:30:12 16 1:29.

13:30:19 17 Q. BY MR. SCHOEN: Mr. Amawi, do you know whether
13:30:23 18 Shaher -- Shaher Al-Rai was ever employed by the PA at
13:30:37 19 anytime between 1994 and today?

13:30:58 20 A. As far as I'm concerned, according to my
13:31:00 21 knowledge, the period when I was his lawyer, '94, '95,
13:31:05 22 he wasn't employed, because the PA had just started.
13:31:14 23 And as his lawyer, he would have told me that he is
13:31:19 24 employed by the PA. And I can say that there is no
13:31:34 25 record whatsoever that he was, on any given day, an

13:31:38 1 employee of the PA. He never was employed by the PA.

13:31:47 2 Q. Do you know whether he was ever paid any money
13:31:50 3 by the PA? If you know.

13:32:00 4 A. What do you mean by "funds"? Specify your
13:32:06 5 question clearly.

13:32:08 6 Q. I'm sorry. I don't know how to ask it any
13:32:11 7 other way.

13:32:12 8 I'm asking whether you know whether he was
13:32:14 9 paid any money ever by the PA?

13:32:28 10 A. For sure, in the period when he was detained
13:32:31 11 by the Israelis, he had access to -- to funds, like any
13:32:35 12 other person.

13:32:36 13 Q. (Not translated.) Would that have been money
13:32:39 14 paid to him or to his family?

13:32:41 15 A. (In English.) The family.

13:32:42 16 (Translated.) To the family.

13:32:43 17 Q. So as to him, Mr. Al-Rai himself, do you know
13:32:47 18 whether he was ever paid any money by the PA?

13:32:59 19 A. I don't think, according to the information
13:33:00 20 I have, that he has received funds on a personal basis.
13:33:12 21 There is nothing that indicates that he has received
13:33:16 22 funds in a personal way, but rather the family had
13:33:19 23 got it.

13:33:21 24 Q. What, if any, investigation did you do to
13:33:24 25 determine whether Al-Rai ever worked for the PA or

13:33:27 1 whether he ever received any money himself from the PA?

13:33:30 2 (Pending question partially translated.)

13:33:30 3 OFFICIAL INTERPRETER BEN-NAIM: That

13:33:38 4 Mr. Al-Rai -- what happened to him?

13:33:40 5 MR. SCHOEN: "Ever was employed by the PA."

13:33:42 6 (Remainder of pending question translated.)

13:33:48 7 THE WITNESS: Yes, we did -- we did

13:33:54 8 investigate. I've already answered. We did the

13:34:00 9 investigation, but we did not find any records

13:34:04 10 whatsoever.

13:34:04 11 Q. BY MR. SCHOEN: My question is -- which you
13:34:06 12 have not already answered -- what steps did you take
13:34:13 13 to investigate these things?

13:34:26 14 A. The issue whether he was -- whether employed
13:34:34 15 or not is a very easy matter. You have the list of
13:34:39 16 employees with their ID numbers. You just press the
13:34:43 17 computer. If he's there, he's there, or he's not there.
13:34:48 18 If his name features out, then he is employed. If not,
13:34:54 19 then he's not, as simple as that. We checked this, and
13:34:59 20 it turned out that he is not employed.

13:35:01 21 Q. From what period of time forward would the
13:35:04 22 computer records reflect these things?

13:35:18 23 A. From the moment that the PA came until now.

13:35:24 24 Q. But they don't have any computer records
13:35:26 25 that would show prisoner payments from the mo -- from --

13:35:41 1 sorry -- from the moment the PA came into existence
13:35:46 2 forward?

13:35:50 3 A. Who said that?

13:35:51 4 Q. I'm asking: For the employment records --

13:36:04 5 A. I clearly stated that, you know, we have
13:36:08 6 the information on CD and we took it out from Gaza
13:36:11 7 and that we keep track of these matters. The Ministry
13:36:18 8 of Detainee Affairs and Ex-detainees, since it was
13:36:24 9 conceived in 1998, the computer payroll is clear.
13:36:36 10 We cannot consider that these are allowances given
13:36:40 11 to the detainee, but rather to the family. As such,
13:36:50 12 I cannot say that it was handed over to the prisoner
13:36:54 13 or the detainee. Anyway, he is incarcerated.

13:36:59 14 Q. The Ministry of Social Affairs, I believe
13:37:01 15 you testified to -- but correct me if I'm wrong --
13:37:10 16 pays -- give -- makes payments to the families of
13:37:15 17 detainees in -- in Palestinian detention; is that
13:37:27 18 correct?

13:37:37 19 A. The Ministry of Social Affairs keeps track
13:37:41 20 of people who do not have sources of income or have low
13:37:47 21 income levels. It is similar to the National Insurance
13:37:54 22 for people that cannot make both ends meet. For sure
13:38:02 23 its role it is not to pursue the cases of detainees in
13:38:08 24 Palestinian prisons. It deal -- deals with people who
13:38:20 25 have dire needs and who need assistance. That's the

13:38:22 1 principle.

13:38:31 2 So it might be someone detained by the PA
13:38:33 3 and does not apply for assistance, so he will not have
13:38:37 4 access to these funds. It's the same with our case.
13:38:45 5 There are a number of detainees who did not apply --
13:38:49 6 who did not address themselves to the ministry. And
13:38:52 7 so these people did not have any financial assistance.

13:38:56 8 Q. Do you know whether Al-Rai's family applied
13:38:59 9 for or received payments during the time period he
13:39:10 10 was detained in Jericho, payments from the PNA?

13:39:44 11 A. I don't have -- I don't have concrete
13:39:46 12 information on this. But I assume no, because the
13:39:50 13 PA was still nascent in its beginnings and it was
13:39:57 14 only in Jericho and in Gaza. And later on, it started
13:40:00 15 to put the house in order, and it became more systematic
13:40:04 16 with the establishment of the Ministry of Detainees and
13:40:07 17 Ex-detainees in 1998.

13:40:17 18 Q. What time period was that when they got
13:40:20 19 themselves in order?

13:40:41 20 A. Things started to get organized after 1998.
13:40:43 21 But the moment -- by the time they were putting the
13:40:46 22 house in order, the Second Intifada erupted, and it
13:40:52 23 washed away everything -- washed away. And after 2007,
13:40:59 24 we started all over again to put matters in -- in order.

13:41:04 25 Q. But not quite everything. It didn't wash away

13:41:08 1 quite everything; right?

13:41:09 2 Because you told me, when it comes to checking
13:41:12 3 about payments for detainees in Israeli detention, you
13:41:24 4 have that on a CD. And when it comes to employment
13:41:30 5 records from 1994 or from the start of the PNA, you
13:41:42 6 just have to press a button to get the information.

13:41:52 7 A. Once again, I have said files and written
13:41:55 8 material were all demolished.

13:42:05 9 About the CD that I have referred to, it has
13:42:08 10 to do with the financial issues. So it doesn't have any
13:42:14 11 comprehensive information, only money aspects -- money
13:42:21 12 aspects. And so -- so this CD that includes payments
13:42:30 13 for -- for employees and as well as for the detainees,
13:42:35 14 this has been available. And through it, we would --
13:42:44 15 we would be able to verify whether the funds were paid
13:42:49 16 or not.

13:42:51 17 Q. When you represented Al-Rai, you were acting
13:42:56 18 as a private lawyer; right?

13:43:01 19 A. Correct.

13:43:02 20 Q. Al-Rai's brother had another lawyer?

13:43:11 21 A. His brother?

13:43:12 22 Q. Sorry. I'm sorry.

13:43:12 23 Yusef Al-Rai had another lawyer?

13:43:17 24 A. Me and my partner, we were the lawyers for
13:43:20 25 both of them.

13:43:21 1 Q. Uh-huh. And do you have reason to believe
13:43:23 2 that either Al-Rai is angry with you or your partner?

13:43:33 3 (Pending question partially translated.)

13:43:33 4 OFFICIAL INTERPRETER BEN-NAIM: The other one?

13:43:27 5 MR. SCHOEN: "Or his partner."

13:43:34 6 (Remainder of pending question translated.)

13:43:34 7 THE WITNESS: I don't think so. Why should
13:43:40 8 they be cross with -- unless he -- if he assumed that
13:43:48 9 I should have made it to the military court at 3:30
13:43:54 10 that morning.

13:43:54 11 Q. BY MR. SCHOEN: But you have no reason to
13:43:56 12 believe he's angry with you?

13:44:01 13 A. No. He is convinced that he passed through
13:44:08 14 an unfair and an unjust tribunal. And he knew that
13:44:18 15 whether there is a lawyer or not -- if a lawyer was
13:44:21 16 there, this would have been a farce.

13:44:24 17 Q. The PA prosecution would have been a farce?

13:44:28 18 OFFICIAL INTERPRETER AGHAZARIAN: No.

13:44:29 19 THE WITNESS: If the military was there,
13:44:31 20 it would have been like compulse -- secondary actor.
13:44:36 21 It would be like a -- you know, just for the facade.

13:44:41 22 (Comment in Arabic by the witness.)

13:44:44 23 CHECK INTERPRETER HAZOU: Right. Yes, yes.

13:44:48 24 Q. BY MR. SCHOEN: Let's talk about
13:44:49 25 unincorporated associations.

13:44:51 1 (Pending question partially translated.)

13:45:01 2 OFFICIAL INTERPRETER AGHAZARIAN: What's the

13:45:03 3 word?

13:45:03 4 OFFICIAL INTERPRETER BEN-NAIM:

13:45:03 5 "Unincorporated" --

13:45:03 6 MR. SCHOEN: It's two words. "Unincorporated

13:45:06 7 associations."

13:45:07 8 CHECK INTERPRETER HAZOU: "Unincorporated"?

13:45:07 9 MR. SCHOEN: Uh-huh.

13:45:12 10 (Brief exchange in Arabic among Official

13:45:12 11 Interpreter Ben-Naim, Official Interpreter

13:45:12 12 Aghazarian, Check Interpreter Hazou, and the

13:45:12 13 witness.)

13:45:13 14 OFFICIAL INTERPRETER BEN-NAIM: We're

13:45:22 15 discussing --

13:45:23 16 MR. SCHOEN: But someone has to translate,

13:45:24 17 when he says something, what he said. So what did

13:45:28 18 he say?

13:45:29 19 OFFICIAL INTERPRETER BEN-NAIM: He said:

13:45:29 20 "What is it?" Okay.

13:45:33 21 MR. HALLER: We have an Arabic-speaking

13:45:35 22 lawyer. Maybe you want him to help.

13:45:35 23 OFFICIAL INTERPRETER BEN-NAIM:

13:45:35 24 "Uncooperated." [sic]

13:45:35 25 OFFICIAL INTERPRETER AGHAZARIAN:

13:45:35 1 "Unincorporated."

13:45:37 2 CHECK INTERPRETER HAZOU: I'm not sure what

13:45:38 3 it means in English.

13:45:41 4 MR. HALLER: Can you ask Saadi, since it's

13:45:43 5 a -- a legal term?

13:45:44 6 CHECK INTERPRETER HAZOU: "Unincorporated

13:45:46 7 associations."

13:45:49 8 (Brief exchange in Hebrew between Mr. Haller

13:45:49 9 and Mr. Saadi.)

13:45:52 10 (Comment in Arabic by Mr. Saadi.)

13:45:54 11 (Comment in Hebrew by Mr. Haller.)

13:45:55 12 OFFICIAL INTERPRETER BEN-NAIM: I -- I don't

13:46:00 13 hear a Hebrew.

13:46:01 14 MR. SCHOEN: In any event, too many different

13:46:01 15 discussions going on.

13:46:02 16 Q. BY MR. SCHOEN: Are you familiar with the term

13:46:03 17 "unincorporated association"?

13:46:13 18 A. What is it? I don't know.

13:46:15 19 Q. In preparing to testify today, did anyone

13:46:21 20 raise that term with you, "unincorporated association"?

13:46:24 21 (Comment in Arabic by the witness.)

13:46:40 22 (Comment in Arabic by Official Interpreter

13:46:40 23 Aghazarian.)

13:46:40 24 OFFICIAL INTERPRETER BEN-NAIM: My colleague

13:46:41 25 here is suggesting a terminology.

13:46:44 1 MR. SCHOEN: One second. He just said
13:46:45 2 something. So you have to -- when he says something --

13:46:47 3 OFFICIAL INTERPRETER AGHAZARIAN: "I haven't
13:46:48 4 heard this term. This is the first time I hear it."

13:46:51 5 Q. BY MR. SCHOEN: Okay. Are you aware that
13:46:56 6 you're the designee to testify today about facts related
13:47:00 7 to the PNA's status as a so-called unincorporated
13:47:06 8 association?

13:47:27 9 A. I am coming in order to -- we might have a
13:47:37 10 divergence in the term. It's not a big deal about what
13:47:42 11 the term "unincorporated" --

13:47:45 12 Q. "Association."

13:47:46 13 A. -- "associations" mean. That's not the issue.

13:47:57 14 Q. Okay. Well, what else did you talk to your
13:48:02 15 lawyer -- what else do you understand you're supposed
13:48:05 16 to be a designee for today, if anything?

13:48:18 17 (Comment in Arabic by the witness.)

13:48:20 18 MR. SCHOEN: What -- he just said something.

13:48:21 19 OFFICIAL INTERPRETER AGHAZARIAN: "I don't
13:48:21 20 get the question."

13:48:21 21 MR. SCHOEN: What?

13:48:22 22 OFFICIAL INTERPRETER AGHAZARIAN: "I don't
13:48:22 23 get the question."

13:48:23 24 Q. BY MR. SCHOEN: My question is: Besides this
13:48:26 25 Al-Rai business we've been talking about, what is your

13:48:34 1 understanding of the subject or subjects that you are
13:48:44 2 the PNA designee -- that you were selected to speak
13:48:48 3 about on -- on behalf of the PNA today?

13:49:04 4 A. I still don't understand the question.

13:49:07 5 MR. McALEER: Counsel, I'll be happy to --

13:49:11 6 THE WITNESS: Ask me a clear-cut question
13:49:13 7 so that I can -- I --

13:49:16 8 CHECK INTERPRETER HAZOU: Can I --

13:49:17 9 MR. McALEER: Can -- can --

13:49:17 10 CHECK INTERPRETER HAZOU: -- say it in Arabic?

13:49:18 11 MR. McALEER: No.

13:49:18 12 Counsel, I -- I don't want to be accused
13:49:22 13 of coaching the witness.

13:49:23 14 MR. SCHOEN: Then don't say anything
13:49:25 15 substantively.

13:49:28 16 MR. McALEER: My -- my -- my point to you
13:49:30 17 will be: I'll be happy to try to fit this into a
13:49:33 18 context that might enable you to question the witness
13:49:36 19 and allow the witness to understand what it is you're
13:49:41 20 trying to address here concerning his designation.

13:49:49 21 Q. BY MR. SCHOEN: Mr. Amawi, you were asked
13:49:50 22 to appear here today on behalf of the PA; correct?

13:50:02 23 A. Correct.

13:50:03 24 Q. And you were told that you would be asked
13:50:05 25 questions by a lawyer for the plaintiffs?

13:50:13 1 A. Correct.

13:50:14 2 Q. And you were told that you would be asked
13:50:16 3 questions by the lawyer for the plaintiffs about certain
13:50:20 4 subjects?

13:50:30 5 A. In general, yes.

13:50:32 6 Q. You were told that you would have to prepare
13:50:35 7 to testify about certain specific subjects; correct?

13:50:45 8 A. Yes.

13:50:47 9 Q. What subjects were you told to prepare to
13:50:52 10 testify about today?

13:51:02 11 A. Shaher Al-Rai, essentially, and the issue --
13:51:08 12 and the legal status of the PA.

13:51:10 13 Q. Aah. So on the question of the legal status
13:51:13 14 of the PA, what were you asked to prepare about?

13:51:33 15 A. I was told that -- a set of questions, and
13:51:37 16 I have sufficient information to be able to testify.

13:51:41 17 Q. All right. When was the PA organized? When
13:51:44 18 did it come into being?

13:51:49 19 A. It was established based on the Oslo Accords
13:51:58 20 at the end of 1993. And it -- and it came -- it was --
13:52:03 21 it was established in 1994, starting from Gaza and
13:52:08 22 Jericho.

13:52:08 23 Q. (Not translated.) Was the creation of the
13:52:14 24 PA -- I'm going to use the term "PNA" the same as "PA."

13:52:22 25 A. (In English.) Okay.

13:52:24 1 (Pending question translated.)

13:52:24 2 THE WITNESS: "PA."

13:52:24 3 OFFICIAL INTERPRETER BEN-NAIM: The question
13:52:29 4 was?

13:52:30 5 Q. BY MR. SCHOEN: Was the creation of the PA
13:52:36 6 the subject of negotiation between the PLO and other
13:52:47 7 parties?

13:52:51 8 A. Why other parties?

13:52:53 9 With the Israeli side.

13:52:54 10 Q. Just between the PLO and the Israelis?

13:52:58 11 A. Of course. Correct.

13:53:02 12 Q. That's how the PA was created?

13:53:17 13 A. It was established according to the
13:53:19 14 Declaration of Principles emanating from the Oslo
13:53:24 15 Accords. These are no secrets. It's public
13:53:27 16 information.

13:53:28 17 Q. So the Declaration of Principles created
13:53:31 18 the PA?

13:53:35 19 A. Yes.

13:53:35 20 Q. And what do you understand to be the Palestine
13:53:43 21 council -- the Palestinian Council? I'm sorry.

13:53:55 22 A. The Palestinian Council, according to my
13:53:57 23 understanding from the Oslo Accords, is the council
13:54:04 24 which -- which was supposed to carry the name of the
13:54:07 25 Executive Council. Based on this, it would have had

13:54:15 1 to assume the responsibility of running the PA as a
13:54:18 2 whole.

13:54:21 3 Because according to the Accords, there --
13:54:31 4 there was no government as such, but there were, like,
13:54:35 5 ministers which were dubbed the Executive Council.
13:54:40 6 And in the Oslo Accords, you do not have a cabinet and
13:54:51 7 ministers and so on. It's not stipulated in the Oslo
13:54:58 8 Accords. And we assume that -- that this council should
13:55:02 9 have had legislative authorities in coordination with
13:55:10 10 the Israeli side.

13:55:13 11 At the time, Arafat composed the government
13:55:19 12 and transformed it effectively into a legislative
13:55:25 13 council contrary to the Accords. But this was
13:55:31 14 something that satisfied peace. The Israelis, they
13:55:34 15 liked it. They welcomed it. Because if the -- if
13:55:49 16 the Palestinian Council assumed the job, there would
13:55:52 17 have been lots of hurdles and they would have put
13:55:56 18 obstacles in implementing other steps. It was much
13:56:00 19 easier to have a cabinet to control.

13:56:09 20 So, effectively, what Arafat done: You do
13:56:12 21 your legislation, but I have a government to run the
13:56:15 22 thing. And this was welcomed by the Israelis. And in
13:56:30 23 the case when you had the confrontations of having the
13:56:34 24 tunnel in 1996 in the Old City -- and in order to sort
13:56:49 25 of isolate Arafat, they said: This is not the case.

13:56:53 1 Get us the Executive Committee, which means we want
13:56:58 2 to apply the Accords as is.

13:57:05 3 And the first person who was opposed to this
13:57:09 4 was the current Prime Minister Netanyahu. Because he
13:57:17 5 knows that the actual situation is much easier to deal
13:57:21 6 with than the original format that emanated before.

13:57:29 7 From all what we are talking, we are speaking
13:57:31 8 about an Executive Council to run the -- the needs of
13:57:36 9 the people and affairs of the people. And we speak
13:57:42 10 of -- we speak of a ten-year transitional period with
13:57:46 11 the hope of establishing a state. This is the actuality
13:57:52 12 that was embedded in the Oslo Accords.

13:57:56 13 Q. Are you familiar with a document called the
13:57:58 14 Taba agreement?

13:58:04 15 A. The Taba accords. Yes.

13:58:06 16 Q. Do you know when the Taba accords were entered
13:58:11 17 into?

13:58:15 18 A. I don't recall.

13:58:19 19 Q. Are the Taba accords also referred to as
13:58:21 20 the Israeli-Palestinian Interim Agreement on the --
13:58:36 21 on the West Bank and Gaza Strip?

13:58:43 22 A. These are transitional steps following
13:58:46 23 the first phase. Because it's known that, after the
13:58:53 24 Authority came into Gaza and Jericho, city by city
13:59:02 25 started to have arrangements based according to Taba

13:59:07 1 and other types of accords.

13:59:13 2 Q. Where do you -- I'm sorry. Strike that.

13:59:19 3 Were you involved in any way in these
13:59:21 4 negotiations, Taba agreement, or the negotiations
13:59:23 5 between the PLO and the Israelis?

13:59:31 6 A. No.

13:59:31 7 Q. Do you consider yourself to be an expert
13:59:34 8 on these negotiations?

13:59:41 9 A. In the negotiations? Of course not.

13:59:46 10 Q. Do you consider yourself to be an expert
13:59:48 11 on the creation of the Palestinian Authority?

14:00:05 12 A. I speak about the establishment of the
14:00:08 13 Palestinian Authority based on an accord that is clear
14:00:12 14 for everybody concerned. First and foremost, I work
14:00:20 15 as an attorney. And this is the title that I will not
14:00:27 16 give up under any circumstances.

14:00:34 17 As a lawyer, of course, this is a matter of
14:00:36 18 concern to me. It has the legal components at the core
14:00:40 19 of it. And as a citizen that -- that is affected by
14:00:48 20 these laws and determining our destiny, for sure I
14:00:59 21 must grasp it and -- and to know where we are heading.

14:01:03 22 I am not concerned, you know, to be described
14:01:12 23 as an expert or appear on TV as an expert. But I think
14:01:23 24 I have sufficient information to respond to the bulk,
14:01:28 25 90 percent of the issues. And maybe people who are

14:01:37 1 dubbed as experts might not be able to -- to explain
14:01:42 2 20 percent of the gist of the Accords.

14:01:46 3 Q. Do you understand the Palestinian Authority
14:01:52 4 to have the right to sue other parties?

14:01:54 5 (Pending question partially translated.)

14:01:54 6 OFFICIAL INTERPRETER BEN-NAIM: "Other"?

14:02:06 7 MR. SCHOEN: "Parties."

14:02:07 8 (Remainder of pending question translated.)

14:02:08 9 THE WITNESS: Where?

14:02:12 10 Q. BY MR. SCHOEN: "Where" or "when"?

14:02:12 11 A. Where?

14:02:12 12 Q. Anyplace. Do you understand that they have --
14:02:14 13 the PA has the legal capacity or right to file --
14:02:25 14 sorry -- to file a lawsuit against any party anyplace?

14:02:47 15 A. In the Oslo Accords, which is our main title
14:02:50 16 embracing, this is not stipulated. But in practical
14:02:57 17 implementation -- but -- sorry -- but the laws clearly
14:03:08 18 stipulate that the PA has no authority to bring to court
14:03:13 19 Israelis, to sue Israelis.

14:03:21 20 And very clearly anyone that has committed
14:03:24 21 any crime against an Israeli, the Israelis can take him
14:03:30 22 and charge him. And this shows that you are not dealing
14:03:39 23 effectively as a real state. In practical experience, I
14:03:50 24 mean, we as an authority and particularly as a Ministry
14:03:54 25 of Detainees, we headed to the Supreme Court in Israel

14:04:03 1 in certain cases, according to which we want to improve
14:04:10 2 the conditions through these -- these court cases of
14:04:13 3 the detainees who are in Israeli prisons and issues
14:04:22 4 related to education or health or people who are ill.

14:04:27 5 And the -- the Supreme Court dismissed these
14:04:32 6 cases. They rejected them and that the PA does not have
14:04:38 7 the right to represent these people. This is supposed
14:04:47 8 to be a Palestinian citizen, and this is supposed to
14:04:51 9 be the PA. And despite this, the Israeli Supreme Court
14:04:59 10 has rejected scores of cases under the title that it
14:05:07 11 does not have a representative status, it is not a
14:05:11 12 full-fledged state. But from another angle, they sue
14:05:22 13 the PA for actions that the citizens have made. In
14:05:31 14 that case, it has a role which is representative.

14:05:45 15 Practically, what I'm saying is that the PA,
14:05:48 16 according to the Accords, does not have the right to
14:05:53 17 raise cases, but for sure it has the right to defend
14:05:59 18 itself, in case there were cases raised against her,
14:06:06 19 or what have you, as an authority.

14:06:20 20 And when they went to the International Court
14:06:23 21 of Justice, they did not go as a PA. They went there
14:06:27 22 in their capacity as PLO. And the referral was through
14:06:38 23 the General Assembly. So the -- the PA did not go
14:06:42 24 single-handedly to -- to that court.

14:06:48 25 Q. The accord we spoke about before, the Taba

14:06:49 1 agreement -- let me call it the "Interim Agreement."

14:06:56 2 You're familiar with that term, the "Interim
14:06:59 3 Agreement"?

14:06:59 4 A. (In English.) Okay.

14:07:02 5 Q. In that agreement, the signatories to the
14:07:04 6 agreement were the PLO, United States, Israel, Russia,
14:07:16 7 Egypt --

14:07:20 8 A. (In English.) Jordan.

14:07:21 9 Q. -- Jordan, Norway, and the European Union;
14:07:27 10 correct?

14:07:29 11 You're familiar with that document?

14:07:31 12 A. (In English.) Okay.

14:07:33 13 (Translated.) Okay.

14:07:35 14 Q. Are you aware that in that document -- do
14:07:41 15 you understand that document to expressly provide for --
14:07:47 16 to expressly provide for the -- the right or power or
14:07:58 17 legal capacity of the body that would be created from
14:08:11 18 that agreement to have the right to sue other parties
14:08:26 19 or to be sued, that is, the capacity to be sued?

14:08:35 20 Do you understand that to be a part of that
14:08:36 21 agreement?

14:08:46 22 A. The actuality is not like this on the ground.

14:08:53 23 I gave you an example that what your -- if
14:08:55 24 your understanding is -- is correct in such a format,
14:09:00 25 the Israeli Supreme Court would not have rejected,

14:09:07 1 saying it has no authority.

14:09:11 2 Q. My only question is: Are you aware that that
14:09:13 3 was provided for in that agreement?

14:09:28 4 A. Now I cannot speak because I do not have the
14:09:30 5 text in front of me. I can speak of it if I see the
14:09:35 6 text in front of me.

14:09:37 7 Q. Okay. Are you familiar with any cases that
14:09:39 8 the PA has filed in the Jerusalem Magistrate Court,
14:09:40 9 for example, commercial litigation?

14:10:00 10 (Comment in Arabic by Check Interpreter
14:10:00 11 Hazou.)

14:10:03 12 OFFICIAL INTERPRETER BEN-NAIM: Magistrate's
14:10:05 13 Court?

14:10:07 14 (Comment in Hebrew by Mr. Haller.)

14:10:09 15 (Comment in Arabic by Check Interpreter
14:10:09 16 Hazou.)

14:10:13 17 THE WITNESS: What kind of cases is this?

14:10:16 18 MR. SCHOEN: Civil commercial lawsuits.

14:10:27 19 CHECK INTERPRETER HAZOU: You said
14:10:27 20 "commercial"?

14:10:29 21 MR. SCHOEN: Yes. Meaning "business
14:10:30 22 lawsuits."

14:10:37 23 THE WITNESS: It could be a businessman with
14:10:39 24 a BA or an individual basis. But as an authority, which
14:10:46 25 is a representative of the Palestinian people, what I

14:10:55 1 know, that the rulings of the Supreme Court deprive the
14:11:00 2 PA from the right of raising cases. And -- and we, in
14:11:08 3 our case as Ministry of Ex-detainees, there were five
14:11:11 4 cases that were rejected.

14:11:15 5 Q. BY MR. SCHOEN: Which cases were those? Do
14:11:17 6 you remember the name or not?

14:11:21 7 A. I know one about pursuing university studies
14:11:26 8 in prison and paying visits to the detainees of Gaza.
14:11:32 9 These are the ones I have in mind.

14:11:38 10 Q. And those cases you're referring to were
14:11:42 11 thrown out by the court?

14:11:46 12 A. Correct.

14:11:46 13 Q. And you believe they were thrown out by the
14:11:49 14 court based on a finding that the Palestinian -- PA
14:11:59 15 has no right to sue?

14:12:07 16 A. It is not what I think. This was clearly
14:12:09 17 stated by the court, the highest legal body in Israel.
14:12:17 18 I -- I cannot debate it. This comes from the highest
14:12:22 19 ruling in the State of Israel.

14:12:23 20 Q. Is it possible -- do you understand, in those
14:12:26 21 cases, that perhaps the court threw out the case because
14:12:37 22 the Palestinian Authority has no standing --

14:12:42 23 (Partial pending question translated.)

14:12:43 24 MR. SCHOEN: It's not going to translate.

14:12:45 25 OFFICIAL INTERPRETER BEN-NAIM: Don't worry.

14:12:48 1 (Remainder of pending question translated.)

14:12:53 2 Q. BY MR. SCHOEN: -- doesn't have the right to

14:12:55 3 represent that plaintiff who suffered that injury?

14:12:59 4 (Pending question partially translated.)

14:12:59 5 OFFICIAL INTERPRETER BEN-NAIM: "Injury"?

14:13:08 6 MR. SCHOEN: "Injury." "Suffered that

14:13:09 7 injury."

14:13:09 8 (Remainder of pending question translated.)

14:13:10 9 (Comment in Arabic by Check Interpreter

14:13:10 10 Hazou.)

14:13:13 11 THE WITNESS: I have not presented the cases

14:13:15 12 in the name of victims. I -- I fall under the title

14:13:23 13 of the Ministry of Detainee and Ex-detainee Affairs.

14:13:31 14 The prison authorities have signed with me

14:13:33 15 an agreement about the canteens. I meet regularly

14:13:41 16 with the prison authorities. I call them even if it's

14:13:47 17 at 1:00 a.m., not because we are friends, but because

14:13:53 18 there is work to do. I send them letters, and they

14:13:59 19 respond by official letters. This is not personal

14:14:05 20 papers or letters, that it has the logo of the --

14:14:09 21 of the PA on top of it. The prison authorities deal

14:14:16 22 with me in my capacity as a representative party.

14:14:24 23 In certain cases, for instance, at 1:00 a.m.

14:14:29 24 somebody passed away in prison. So they called me,

14:14:33 25 telling me: Come and pick up. And they asked me to

14:14:36 1 inform the family and to -- and to coordinate receiving
14:14:43 2 the -- the corpse.

14:14:48 3 And we presented all of this in front of
14:14:50 4 the Supreme Court. And it did not enter into the
14:14:54 5 core of the case. It says: In principle, you have
14:15:00 6 no representative right. So it spoke with a legal
14:15:09 7 conviction on its behalf. And I am not going to
14:15:15 8 debate or argue with the Supreme Court in its legal
14:15:20 9 convictions.

14:15:26 10 And that Israel feels great pride that
14:15:30 11 the Supreme Court is a -- a legal framework. And --
14:15:37 12 and it is marketed as being the only democracy in
14:15:41 13 the Middle East. If it is the only democracy, then
14:15:47 14 we have to abide with its laws and regulations.

14:15:52 15 Q. BY MR. SCHOEN: So if the Israeli courts
14:15:53 16 do permit the Palestinian Authority to sue in its
14:15:56 17 courts, then we have to abide by that also?

14:16:08 18 A. How is that?

14:16:14 19 MR. McALEER: Objection as to form.

14:16:15 20 Sorry.

14:16:15 21 MR. SCHOEN: You said --

14:16:15 22 (Court reporter clarification.)

14:16:18 23 MR. SCHOEN: -- "how is that?"

14:16:20 24 OFFICIAL INTERPRETER AGHAZARIAN: "How is
14:16:20 25 that?"

14:16:21 1 Q. BY MR. SCHOEN: I understood you to say --
14:16:23 2 maybe sarcastically -- that if the Israeli courts, as
14:16:35 3 a democracy, says that you can't sue -- the Palestinian
14:16:40 4 Authority can't sue -- cannot sue in its courts, we
14:16:48 5 have to abide by that. But if --

14:16:54 6 MR. McALEER: Objection. Misstates the
14:16:54 7 testimony.

14:16:56 8 THE WITNESS: (In English.) Okay.

14:16:59 9 Q. BY MR. SCHOEN: But if the Israeli courts --
14:17:00 10 if the Israeli courts allow the Palestinian Authority
14:17:08 11 to sue in its courts and to maintain a lawsuit against
14:17:17 12 another party, if that were the case, then you would
14:17:27 13 agree the Palestinian Authority has the right to sue,
14:17:32 14 at least in Israeli courts?

14:17:41 15 MR. McALEER: Objection as to form.

14:17:43 16 THE WITNESS: This is a virtual question
14:17:44 17 that I am not able to answer.

14:17:48 18 Q. BY MR. SCHOEN: Okay. Let me ask you a real
14:17:50 19 question. Maybe you can answer.

14:17:52 20 Are you familiar with the case Palestinian
14:17:58 21 Authority versus -- versus Shlomo Transportation, a
14:18:10 22 case, I represent to you, filed in the Israeli courts?

14:18:17 23 Are you familiar with that case?

14:18:21 24 A. I don't know about this case. But -- but
14:18:33 25 we're speaking from the name, Shlomo Transportation,

14:18:36 1 that this might be a person that made an accord with
14:18:40 2 the PA. It will -- it will sue it not on the basis
14:18:44 3 of being a PA, but rather having a party with whom a
14:18:49 4 contract has been signed. This is completely different
14:18:54 5 from what we're up to, what we're talking about.

14:19:01 6 For the PA to have the authority to be
14:19:03 7 representative like any other state and -- but there
14:19:11 8 is -- there is a big difference if there is a contract
14:19:14 9 which is signed with an Israeli party and -- and they
14:19:18 10 go as contract signatories. The issue is: Where does
14:19:26 11 this right for -- for bringing to court has emanated?
14:19:31 12 Is it an outcome of an accord or whether it has to do
14:19:41 13 with its existence as an authority? And the difference
14:19:45 14 is huge between the two.

14:19:50 15 MR. HALLER: An "accord" or a "contract"?
14:19:51 16 "Accord"?

14:19:52 17 OFFICIAL INTERPRETER AGHAZARIAN: "Accord."

14:19:55 18 MR. HALLER: Not an "agreement" or a
14:19:56 19 "contract"?

14:19:58 20 George?

14:20:00 21 (Comment in Arabic by Check Interpreter
14:20:00 22 Hazou.)

14:20:11 23 THE WITNESS: Between a contract -- it has
14:20:12 24 to do between a contract or based on an agreement in
14:20:20 25 the whole structure, existence of the PA. Its existence

14:20:25 1 has -- is related to this right.

14:20:28 2 Q. BY MR. SCHOEN: Do you agree that the
14:20:29 3 Palestinian Authority has the ability, the right,
14:20:36 4 the capacity --

14:20:40 5 (Comment in Arabic by Check Interpreter
14:20:40 6 Hazou.)

14:20:41 7 Q. BY MR. SCHOEN: -- to bring a lawsuit in the
14:20:43 8 Israeli courts under the name "Palestinian Authority"?

14:20:56 9 MR. McALEER: Objection as to form.

14:21:02 10 THE WITNESS: It's not important whether you
14:21:04 11 have the right to raise a case. We did do it. I have
14:21:12 12 raised cases in the name of my ministry and the PA.

14:21:15 13 But what was the outcome? The outcome said:
14:21:20 14 You don't have this right. Go home.

14:21:29 15 Q. BY MR. SCHOEN: Let me be clear. I'm not
14:21:31 16 asking you about any lawsuit brought in the name of
14:21:37 17 any ministry.

14:21:44 18 I'm asking you if you are aware, "yes" or
14:21:52 19 "no," if you can, if you're aware that the Palestinian
14:22:00 20 Authority, in its own name "Palestinian Authority,"
14:22:06 21 over the past four years, for example, through today
14:22:21 22 has filed a lawsuit in the Israeli courts and such a
14:22:32 23 lawsuit brought in the Palestinian Authority name is
14:22:42 24 allowed to proceed in the Israeli courts?

14:22:54 25 MR. McALEER: Objection as to form.

14:22:57 1 THE WITNESS: I don't have any objection.

14:23:03 2 Q. BY MR. SCHOEN: I think you heard "objection."

14:23:05 3 A. I'm not familiar with the matter. I cannot

14:23:10 4 answer by "yes" or "no."

14:23:12 5 Q. Okay. You're not aware? That's the answer?

14:23:18 6 A. No, I'm not familiar.

14:23:29 7 MR. SCHOEN: Okay. We'll take a break now,

14:23:30 8 then. There may be a question about terminology that

14:23:34 9 can be sorted out, translation or --

14:23:36 10 MR. ROCHON: We're off the record?

14:23:40 11 THE VIDEOGRAPHER: Off the record at 2:22.

14:23:43 12 (Recess from 2:22 p.m. to 2:45 p.m.)

14:45:02 13 THE VIDEOGRAPHER: Going back on record at

14:45:03 14 2:45.

14:45:12 15 Q. BY MR. SCHOEN: As a representative of the

14:45:14 16 Palestinian Authority today, can the Palestinian

14:45:20 17 Authority enter into a contract with another party?

14:45:32 18 A. What do you mean by "another party"?

14:45:36 19 OFFICIAL INTERPRETER BEN-NAIM: No.

14:45:34 20 OFFICIAL INTERPRETER AGHAZARIAN: "A contract.

14:45:36 21 What do you mean by 'contract'?"

14:45:38 22 OFFICIAL INTERPRETER BEN-NAIM: Sorry.

14:45:41 23 Q. BY MR. SCHOEN: What do you mean by a

14:45:42 24 "contract"?

14:45:44 25 Any idea what a contract is?

14:45:49 1 A. It's not me who asked the question.

14:45:51 2 Q. Yeah. If the Palestinian Authority wants

14:45:53 3 to buy 50 widgets from a company --

14:46:00 4 CHECK INTERPRETER HAZOU: Fifty what?

14:46:01 5 MR. SCHOEN: "Things."

14:46:02 6 Q. BY MR. SCHOEN: -- 50 things from a company,

14:46:14 7 wants to buy them, and a company wants to sell them --

14:46:25 8 A. (In English.) Okay.

14:46:25 9 Q. -- could the Palestinian Authority buy them

14:46:29 10 in its own name, first of all?

14:46:37 11 A. Of course it can.

14:46:38 12 Q. And could it enter into an agreement with

14:46:40 13 the seller to buy those things?

14:46:52 14 A. For sure.

14:46:53 15 Q. Now, let's forget, in my question, about the

14:46:56 16 Israeli courts for a second.

14:47:02 17 A. (In English.) Okay.

14:47:03 18 Q. Could the Palestinian Authority -- sorry.

14:47:07 19 If the company that it made an agreement

14:47:09 20 to buy the 50 things from doesn't provide them with

14:47:19 21 the 50 things or they're not in the condition that the

14:47:27 22 Palestinian Authority wanted them to be in, the seller

14:47:36 23 broke its agreement with the Palestinian Authority in

14:47:38 24 some way --

14:47:42 25 A. (In English.) Okay. Okay.

14:47:44 1 Q. -- could the Palestinian Authority file a
14:47:47 2 lawsuit in any court, either its own court, the court
14:47:57 3 of the country that the seller is in -- forget about
14:48:01 4 Israel --

14:48:08 5 A. (In English.) Okay. Okay.

14:48:09 6 Q. -- or anyplace?

14:48:11 7 MR. McALEER: Objection. Form.

14:48:13 8 THE WITNESS: For sure. For sure.

14:48:23 9 I answered you, but you insist on pushing
14:48:27 10 forward because there is certain response that you
14:48:30 11 want me to say.

14:48:43 12 When the PA went to court, they went because
14:48:47 13 there was a deviation from the contract that was signed
14:48:50 14 with this given company, not in its capacity -- not
14:48:59 15 in its capacity as representative of the Palestinian
14:49:00 16 people, but rather as not abiding by the signed
14:49:06 17 contract. So I am suing you because there is a
14:49:18 18 contract, contractual agreement, not I am coming
14:49:22 19 to sue you in the name of the Palestinian people.

14:49:24 20 And if there is a case, for example, in
14:49:28 21 Geneva or elsewhere, depending on where the issue is
14:49:33 22 related locationwise, this is a situation which is
14:49:42 23 radically different from the legal status of the PA.
14:49:52 24 This is a different matter altogether. I could sign
14:49:56 25 a contract with any party and then sue him in case

14:50:04 1 there is a breach.

14:50:08 2 Q. BY MR. SCHOEN: Let me be clear.

14:50:11 3 You started your answer by saying something
14:50:20 4 about what you think I want your answer to be. If it's
14:50:38 5 possible, I would just like an answer to my question.
14:50:44 6 I can tell you -- I can tell you that I don't think
14:50:54 7 you know what I'm -- that I'm looking for a particular
14:50:57 8 answer. I'm just asking you -- but okay.

14:51:02 9 Anyway, you answer as you think appropriate.

14:51:05 10 (Pending question partially translated.)

14:51:07 11 OFFICIAL INTERPRETER BEN-NAIM: "Anyway"?

14:51:08 12 MR. SCHOEN: "You answer as you think
14:51:10 13 appropriate."

14:51:10 14 (Remainder of pending question translated.)

14:51:12 15 MR. McALEER: Counsel, is there any pending
14:51:14 16 question?

14:51:15 17 MR. SCHOEN: No.

14:51:16 18 MR. McALEER: All right. So there's no
14:51:17 19 pending question.

14:51:22 20 THE WITNESS: (In English.) Okay. Okay.

14:51:23 21 Q. BY MR. SCHOEN: If the -- in that same case --
14:51:27 22 hypothetical case I gave you, the Palestinian Authority
14:51:38 23 doesn't pay the money it's supposed to pay to buy these
14:51:45 24 50 things, are you aware of any court -- let's not talk
14:51:53 25 about Israel -- any court where that company could sue

14:51:58 1 the Palestinian Authority in the name Palestinian --
14:52:05 2 in its name, Palestinian Authority, for breaking that
14:52:12 3 agreement?

14:52:16 4 MR. McALEER: Objection as to form.

14:52:24 5 THE WITNESS: I don't know if there are cases
14:52:25 6 that were raised or not raised.

14:52:30 7 But I reiterate, once again, that there is
14:52:49 8 a distinction between suing the Palestinian Authority
14:52:52 9 in order to make claims, compensations, based on
14:52:56 10 certain contractual agreements or in its representative
14:53:03 11 capacity of the Palestinian people. It does not have
14:53:10 12 a representative character. As much, suing it is --
14:53:19 13 is not correct. The only things that you can base
14:53:29 14 yourself to go into a lawsuit, if there is a contractual
14:53:35 15 agreement that has been breached.

14:53:41 16 I will say the same hypothetical position
14:53:44 17 you're taking, I will tell you. If in the contract
14:53:50 18 for supplying the -- the 50 things that there might
14:54:00 19 be an item saying you go to arbitration -- arbitration,
14:54:05 20 international or otherwise, and -- or to a chamber of
14:54:09 21 commerce, in that case, the PA has no authority to go
14:54:15 22 to court. Whereas, a -- a nat -- a natural state that
14:54:25 23 has representative, this does not apply on it.

14:54:28 24 Q. BY MR. SCHOEN: So the PA cannot go to
14:54:30 25 arbitration in the name PA?

14:54:42 1 A. No. That's not the answer.

14:54:50 2 I used this example in order to say on what
14:54:54 3 I am basing myself. I say that this is my pen. Why?
14:55:04 4 Not because I own it and I am the legitimate owner of
14:55:09 5 this pen or because I own all this room and everything
14:55:16 6 in it. I own this because I have a contractual deal
14:55:22 7 with you that I have sold -- sold -- you have sold it
14:55:25 8 to me. The establishment of such a commitment is based
14:55:38 9 on the contractual agreement.

14:55:43 10 For countries to have representative
14:55:45 11 character, do not need to have contractual agreements.
14:55:54 12 But if it is treated as a state, then let it get
14:55:59 13 engaged or join international institutions. So you
14:56:06 14 have no international status. That's how I can answer.
14:56:16 15 This is my understanding of the legal status of the PA.

14:56:21 16 Q. I'm not asking you about the legal status
14:56:24 17 right now.

14:56:32 18 There's an entity called Palestinian
14:56:34 19 Authority; correct?

14:56:42 20 A. "Sahir."

14:56:42 21 Q. Does that entity, Palestinian Authority,
14:56:44 22 in its name, Palestinian Authority, ever enter into
14:56:50 23 a contract with another party?

14:56:57 24 A. Yes. Of course they did.

14:56:58 25 Q. Okay. And that entity, Palestinian Authority,

14:57:06 1 is an entity's name that can appear -- would appear on
14:57:09 2 the contract; right?

14:57:10 3 Palestinian Authority and Rami Levy enter
14:57:13 4 into an agreement.

14:57:17 5 A. Normal. What's the -- what's the problem?

14:57:28 6 Q. That's normal?

14:57:29 7 I'm trying to say: The name Palestinian
14:57:32 8 Authority -- if you were to look at the contract, the
14:57:34 9 written agreement, the name "Palestinian Authority"
14:57:40 10 would be the buyer?

14:57:51 11 A. Okay.

14:57:52 12 Q. And another party would appear as the seller,
14:57:54 13 some other name?

14:57:59 14 A. What's the problem?

14:58:03 15 Q. The agreement is broken by the other party;
14:58:05 16 right?

14:58:11 17 A. (In English.) Okay.

14:58:14 18 Q. The Palestinian Authority wants to sue this
14:58:19 19 other party.

14:58:31 20 A. It's right.

14:58:32 21 Q. Can there be a lawsuit called --

14:58:34 22 (Court reporter clarification.)

14:58:34 23 OFFICIAL INTERPRETER AGHAZARIAN: He says:

14:58:34 24 "It's right."

14:58:34 25 Q. BY MR. SCHOEN: Can there be a lawsuit called

14:58:34 1 Palestinian Authority -- the name of the case -- against
14:58:44 2 whoever that -- the name of that seller is?

14:58:51 3 A. It is not important what -- under what name
14:58:53 4 it comes. It has to do with the really [sic] content.

14:58:56 5 Q. I'm not asking you what's important. I'm
14:59:00 6 only asking you -- I'm only asking you whether it
14:59:04 7 could appear?

14:59:06 8 A. I don't have -- I don't have a case which
14:59:08 9 is registered in front of me. The PA calls itself the
14:59:19 10 PNA. And Israel is -- does not agree on such a name.
14:59:25 11 And anything which has the "N" in it is crossed off.
14:59:33 12 So if they don't agree on the name, does this mean
14:59:37 13 that they will agree on the content?

14:59:39 14 Q. I said: Let's forget about Israel. I'm
14:59:44 15 talking only about another court, some court other
14:59:46 16 than Israel.

14:59:48 17 You're a representative of the PA. Is it your
14:59:53 18 testimony today under oath, as a representative of the
14:59:59 19 PA, that the PA or PNA, whichever you want to call it,
15:00:15 20 can or cannot enter into a contract, an agreement, with
15:00:24 21 another party under the name Palestinian Authority or
15:00:32 22 Palestinian National Authority, whether or not that's
15:00:37 23 important for some other reason?

15:00:40 24 I'm only asking you: Can it enter into such
15:00:43 25 a contract under that name?

15:00:52 1 A. I answered you 100 times: Yes, it -- it can.

15:00:58 2 Q. Okay.

15:00:58 3 A. It can. It can. It can.

15:01:00 4 What next?

15:01:00 5 Q. Okay. Can the Palestinian Authority, by
15:01:06 6 that name, or the Palestinian National Authority, by
15:01:17 7 that name, file a lawsuit in any court -- in some court
15:01:29 8 in the world in that name -- brought in that name?

15:01:38 9 A. Based on the agreement, yes.

15:01:41 10 Q. Okay. And is it your testimony further
15:01:45 11 that, if that Palestinian Authority brings a lawsuit,
15:01:57 12 it's only bringing it in that name, but not as a
15:02:06 13 representative of the Palestinian people?

15:02:21 14 MR. McALEER: Objection as to form.

15:02:25 15 THE WITNESS: Is it representative or not
15:02:27 16 representative?

15:02:28 17 Q. BY MR. SCHOEN: That's what I was asking.

15:02:31 18 A. What is your question? What did you say?
15:02:33 19 What did you say?

15:02:35 20 Q. I thought I understood before that you said
15:02:45 21 the Palestinian Authority can file a case in that name,
15:02:50 22 but only because that's the name that was used on the
15:02:58 23 contract, not because it's a representative of the
15:03:07 24 Palestinian people -- not because it's a representative
15:03:14 25 of the Palestinian people.

15:03:19 1 A. For sure I have a question to raise.

15:03:24 2 Let's use the example that you have used.

15:03:25 3 If -- if they -- if they want to -- to -- to raise

15:03:36 4 a case against Rami Levy without having a contract,

15:03:41 5 will it say in my capacity representing the Palestinian

15:03:48 6 people, Rami Levy, for instance, has sold a certain

15:03:56 7 merchandise for certain Palestinians who -- who had

15:04:01 8 the damage?

15:04:02 9 Or -- I tell you beforehand that this case

15:04:10 10 will be rejected. And those who have been affected

15:04:14 11 negatively, they are the ones to come and sue, because

15:04:18 12 it doesn't have a representative character. But if

15:04:23 13 the PA has a contract with Rami Levy in order to provide

15:04:29 14 certain material and there was a breach, then it can

15:04:34 15 go and sue it.

15:04:36 16 Q. Okay.

15:04:36 17 A. And this emanated from the contractual

15:04:40 18 document --

15:04:40 19 Q. Okay.

15:04:40 20 A. -- and nothing else.

15:04:41 21 Q. Okay. Can the Palestinian Authority bring

15:04:43 22 criminal charges against someone?

15:04:53 23 MR. McALEER: Objection as to form.

15:04:55 24 THE WITNESS: I didn't understand your

15:04:56 25 question. What do you mean by a "criminal lawsuit"?

15:05:02 1 Q. BY MR. SCHOEN: Where does the Palestinian
15:05:03 2 Authority have its authority?

15:05:06 3 Where are its courts? Where are its jails?

15:05:09 4 (Pending question partially translated.)

15:05:10 5 MR. SCHOEN: All right. Let me -- let me
15:05:16 6 rephrase -- strike it.

15:05:18 7 OFFICIAL INTERPRETER BEN-NAIM: Okay.

15:05:18 8 Q. BY MR. SCHOEN: If a crime is committed within
15:05:24 9 territory governed by the Palestinian Authority, can the
15:05:35 10 Palestinian Authority bring a criminal prosecution for
15:05:37 11 that crime?

15:05:47 12 A. Of course.

15:05:47 13 Q. Does the Palestinian Authority operate a court
15:05:50 14 system?

15:05:55 15 A. Of course.

15:05:55 16 Q. Does the Palestinian Authority have a -- an
15:06:00 17 executive branch, if you know -- if that's --

15:06:06 18 MR. McALEER: Objection as to form.

15:06:09 19 THE WITNESS: Of course.

15:06:10 20 Q. BY MR. SCHOEN: Does the Palestinian Authority
15:06:11 21 have a legislative branch?

15:06:20 22 (Comment in Arabic by Check Interpreter
15:06:20 23 Hazou.)

15:06:22 24 THE WITNESS: Currently, no.

15:06:23 25 Q. BY MR. SCHOEN: Is there a provision for the

15:06:25 1 Palestinian Authority to have a legislative branch in
15:06:29 2 the Oslo Accords?

15:06:43 3 A. No. The Oslo Accords stipulates that there
15:06:52 4 should be an Executive Council that needs to -- to be
15:06:58 5 coordinated with the Israelis. The last thing is the
15:07:08 6 legislative authority. They are supposed to have a
15:07:16 7 joint Israeli-Palestinian committee if it approves
15:07:21 8 that it becomes legal. Otherwise, it's pending.

15:07:26 9 But we already spoke about what happened on
15:07:29 10 the ground was different from this. And we explained
15:07:31 11 the procedure earlier. And we said that this was
15:07:39 12 changed because it is more of an Israeli interest
15:07:43 13 than a Palestinian one.

15:08:14 14 Q. If the -- if a person, living in the area
15:08:17 15 where the Palestinian Authority governs, commits a
15:08:32 16 crime, you already said he could be prosecuted
15:08:40 17 criminally by the Palestinian Authority; right?

15:08:44 18 A. Correct.

15:08:45 19 Q. Could that person who's being charged say
15:08:49 20 and win with this argument --

15:08:53 21 (Pending question partially translated.)

15:09:02 22 (Brief exchange in Arabic between Official
15:09:02 23 Interpreter Ben-Naim and Check Interpreter Hazou.)

15:09:11 24 (Remainder of pending question translated.)

15:09:12 25 OFFICIAL INTERPRETER BEN-NAIM: What can he

15:09:19 1 say, and then?

15:09:20 2 Q. BY MR. SCHOEN: Can that -- can that person
15:09:22 3 who's charged with a crime say: I don't want to be
15:09:25 4 prosecuted by the Palestinian Authority because I don't
15:09:33 5 want to come under your authority and voluntarily just
15:09:42 6 withdraw from it and avoid prosecution?

15:09:48 7 MR. McALEER: Object -- objection as to form.

15:09:51 8 THE WITNESS: I don't understand.

15:09:57 9 (Comment in Arabic by the witness.)

15:09:57 10 OFFICIAL INTERPRETER BEN-NAIM: Aah.

15:09:57 11 I -- "I understand."

15:10:07 12 THE WITNESS: No, I don't understand this.

15:10:10 13 What do you mean? Somebody -- somebody who
15:10:11 14 says, you know: I don't want the authority, so I walk
15:10:16 15 out?

15:10:16 16 But somebody -- but, you know, the -- the
15:10:20 17 authority cannot obligate somebody that they will sue
15:10:24 18 him. So somebody who is living under the umbrella of
15:10:34 19 the authority and then he decides, "I don't want your
15:10:39 20 authority," this is un-understandable [sic].

15:10:44 21 It is not only states that have courts.
15:10:46 22 There are many areas that have autonomy and do not have
15:10:54 23 the authority of a state or -- and -- and despite that,
15:10:59 24 they sort of have lawsuits.

15:11:09 25 Before the PA came, the -- it was -- the

15:11:13 1 Palestinian laws were under the aegis of the Israeli
15:11:17 2 occupation, the same kind of laws. And when the PA
15:11:24 3 came, they assumed the same body and continued working.
15:11:35 4 The whole world, including the General Assembly of the
15:11:39 5 U.N. and headed by the U.S., were saying this as early
15:11:48 6 as that: Continue to be occupied, including East
15:11:52 7 Jerusalem and Gaza Strip. Despite that, there was a
15:11:58 8 judicial system, and people were being taken to court
15:12:02 9 and otherwise.

15:12:05 10 I don't know what is the purpose for all these
15:12:10 11 questions. I have questions that I have answered more
15:12:16 12 than ten times. I have no problem. I can stay as much
15:12:25 13 as you want.

15:12:26 14 Q. BY MR. SCHOEN: Do you know who Hassan Al-Ouri
15:12:31 15 is?

15:12:31 16 OFFICIAL INTERPRETER AGHAZARIAN: "Ouri"?

15:12:32 17 MR. SCHOEN: "Ouri."

15:12:32 18 THE WITNESS: Yes, I do know him.

15:12:34 19 Q. BY MR. SCHOEN: Who is that? Who is that?

15:12:35 20 A. Hassan Al-Ouri, yeah. He's a colleague.

15:12:41 21 He's a lawyer. And since a couple years, I believe he
15:12:49 22 has been appointed as a legal advisor for the president.
15:12:57 23 I know him as a colleague attorney, together.

15:13:02 24 Q. (Not translated.) If Hassan -- may I just
15:13:05 25 call him Hassan because --

15:13:07 1 A. (In English.) No problem.

15:13:08 2 Q. Okay. If Hassan's legal advice was that
15:13:12 3 the Palestinian Authority has the right to take
15:13:24 4 legal action against Israeli leaders and settlers
15:13:37 5 who practice terrorism against the Palestinian people
15:13:46 6 in international -- sue in inter -- have the right to
15:13:49 7 bring suit in international courts or anyplace else,
15:14:01 8 would you agree with such a position that there is
15:14:06 9 such a right?

15:14:06 10 (Pending question partially translated.)

15:14:12 11 MR. McALEER: Objection.

15:14:13 12 OFFICIAL INTERPRETER BEN-NAIM: "Would you
15:14:14 13 agree"?

15:14:14 14 MR. McALEER: Objection as to form.

15:14:15 15 (Remainder of pending question translated.)

15:14:16 16 THE WITNESS: No, I don't agree with them.

15:14:19 17 Q. BY MR. SCHOEN: Are you aware that that's
15:14:20 18 a publicly stated position Hassan has taken?

15:14:33 19 A. This is maybe a personal opinion. That's
15:14:35 20 his opinion. Maybe he exposed it in a press interview.
15:14:44 21 But if he's requested to come up with -- with -- with
15:14:48 22 a full-fledged package of -- from a legal point of view,
15:14:53 23 he cannot respond in such a way.

15:14:58 24 Q. So --

15:14:58 25 A. In the media, he can say whatever he -- he

15:15:01 1 wants.

15:15:01 2 Q. Okay. So as today, the representative of
15:15:03 3 the PA as you sit here, is it your testimony that the
15:15:12 4 PA does not have the right -- the legal right to take
15:15:19 5 legal action against Israeli leaders and settlers who
15:15:35 6 practice terrorism against the Palestinian people?

15:15:39 7 MR. McALEER: Objection as to form.

15:15:47 8 THE WITNESS: I think that all the cases that
15:15:51 9 were raised against Israel, particularly against Israeli
15:16:00 10 leaders such as Livni, Mofaz, and others, it is not
15:16:04 11 the Authority that raised it. It was the civil society
15:16:14 12 organizations, Palestinian, that have moved in that
15:16:16 13 direction. And this is what represented the Palestinian
15:16:24 14 citizens. The PA has not raised such cases, and it has
15:16:35 15 not the capacity to do that.

15:16:37 16 Q. BY MR. SCHOEN: Aah. So to be clear, I didn't
15:16:39 17 ask you whether they had already brought; right?

15:16:43 18 (Pending question partially translated.)

15:16:45 19 OFFICIAL INTERPRETER BEN-NAIM: "Whether"?

15:16:45 20 MR. SCHOEN: "Whether they already had brought
15:16:48 21 a case."

15:16:48 22 (Remainder of pending question translated.)

15:16:48 23 THE WITNESS: In my opinion, it has no right
15:16:51 24 to raise such cases.

15:16:53 25 Q. BY MR. SCHOEN: I'm asking you as a

15:16:55 1 representative of the PA today.

15:16:57 2 MR. McALEER: Objection as to form.

15:16:59 3 THE WITNESS: This is my personal conviction.

15:17:01 4 Me, as a legal advisor, this is my -- my conviction.

15:17:08 5 Q. BY MR. SCHOEN: As -- as a legal advisor to
15:17:10 6 the PA?

15:17:17 7 A. If I was asked that we will raise cases
15:17:20 8 against Israeli leaders, what do you think? I would
15:17:26 9 say: Refrain from that. The CSOs can do that. But,
15:17:35 10 whereas, in our case, the case will be dismissed.
15:17:38 11 That's my personal conviction.

15:17:56 12 Q. Are you aware that the Palestinian Authority
15:18:04 13 has taken the position in lawsuits that it should be
15:18:12 14 treated like a state?

15:18:18 15 Just are you aware that it has taken that
15:18:21 16 position?

15:18:22 17 A. No.

15:18:23 18 Q. Are you aware that the Palestinian Authority
15:18:26 19 has taken the position in lawsuits -- I don't know if
15:18:34 20 the term's going to translate now -- that it's entitled
15:18:43 21 to sovereign immunity?

15:18:56 22 CHECK INTERPRETER HAZOU: Yes.

15:18:58 23 THE WITNESS: I have no idea.

15:18:59 24 Q. BY MR. SCHOEN: Are you aware that the
15:19:00 25 Palestinian Authority has taken the position that it

1 should be treated like a state before the International
2 Criminal Court?

3 (Pending question partially translated.)

4 OFFICIAL INTERPRETER BEN-NAIM: Before the
5 International Court?

6 MR. SCHOEN: "Criminal." "Criminal Court."

7 OFFICIAL INTERPRETER BEN-NAIM: "Criminal."

8 (Remainder of pending question translated.)

9 THE WITNESS: The PA requested this. What
10 was the response of the International Criminal Court?

11 Q. BY MR. SCHOEN: I only asked whether it was
12 requested.

13 A. Sorry, sir. You raised the questions. At
14 the same time, you have to listen.

15 Ocampo said that you are not a state and you
16 are not entitled to this. You might claim whatever you
17 want. But your actual situation, does it allow or not?

18 If I change my opinion and I say: Yes, we
19 do have the right, does this mean that we own that
20 right? These are dreams. People can dream the way
21 they want. And the dream is something, and the
22 actuality is something else.

23 Q. Do you know whether the PA currently takes
24 the position or plans to take the position in the
25 future -- plans right now -- plans -- makes the plan

1 in the future, but it's the plan right now to continue
2 arguing before the International Criminal Court that
3 it should be treated as a state?

4 Or do you know if the PA intends to abandon
5 that position? If you know.

6 MR. McALEER: Objection as to form.

7 THE WITNESS: I don't know. It's not me who
8 is pursuing this.

9 Q. BY MR. SCHOEN: As a representative of the
10 PA today, is it your position that the International
11 Criminal Court should treat the Palestinian Authority
12 as a state?

13 A. (Translated.) In my opinion -- I express
14 my personal opinion that the -- the Authority, in
15 its actuality, does not have the representative right.
16 There are people that think otherwise. And maybe
17 colleagues of mine, who even work as legal advisors,
18 they might give divergent points of view completely.
19 But at the end of the day, it is not my or their opinion
20 that determines. It's the actuality on the ground.

21 And in the example that you utilize, there
22 were two opinions. There were people who said: Don't
23 go to the International Court [sic]. And there was
24 a position: Go ahead.

25 (In English.) "Criminal Court."

15:23:10 1 MR. SCHOEN: "International Criminal Court,"
15:23:10 2 he's saying.

15:23:22 3 OFFICIAL INTERPRETER AGHAZARIAN:
15:23:22 4 "International Court," I said. So
15:23:22 5 "International Criminal Court."

15:23:11 6 THE WITNESS: And the PA adopted the idea
15:23:24 7 of those saying: Go ahead. But, in fact, they said:
15:23:31 8 Go home. You have nothing to do here. This is the
15:23:38 9 reality on the ground, not what I wish for.

15:23:44 10 And there were people who thought that,
15:23:47 11 within ten years, the Oslo separations would -- would
15:23:52 12 be implied [sic] and we would have a state. But the
15:23:59 13 agreement did not say: Once you have ten years elapse
15:24:05 14 and then you have a state.

15:24:08 15 And if we were actually a state, all this
15:24:14 16 existing reality on the ground -- the ICC in -- in the
15:24:20 17 Hague, on the issue of the wall, considered that the
15:24:30 18 Palestinian areas are still under occupation. It said
15:24:37 19 all lands occupied since 1967 still is subject to the
15:24:43 20 Geneva Accords and it is occupied areas. It cannot be
15:24:55 21 to have occupied areas and, at the same time, you have
15:24:57 22 some kind of state within it.

15:25:00 23 Q. BY MR. SCHOEN: Is the Palestinian Authority's
15:25:03 24 position that it should be considered a state before
15:25:06 25 the United Nations?

15:25:15 1 MR. McALEER: Objection as to form.

15:25:25 2 THE WITNESS: Once again, it is not important
15:25:28 3 what the PA states.

15:25:30 4 Q. BY MR. SCHOEN: But that's my question. My
15:25:32 5 question is whether it states or believes?

15:25:40 6 A. What?

15:25:41 7 Q. My -- my only question is whether the -- the
15:25:44 8 PA's position is -- its belief -- its -- its public
15:25:49 9 statement to the U.N. is that we, the Palestinian
15:25:54 10 Authority, should be treated like a state?

15:26:03 11 MR. McALEER: Objection as to form.

15:26:05 12 I think part of the problem, David, is that
15:26:08 13 the way your question is posed, it doesn't address the
15:26:12 14 question of whether there is implementing action for
15:26:15 15 such an express aspiration.

15:26:19 16 MR. SCHOEN: I don't need my question -- and
15:26:19 17 that's a speaking objection that we don't need. That
15:26:22 18 is coaching the witness, in my view.

15:26:24 19 MR. McALEER: Well --

15:26:25 20 MR. SCHOEN: It may not be intended to. But
15:26:25 21 it's going into substance.

15:26:26 22 Q. BY MR. SCHOEN: I have a very simple question,
15:26:28 23 whether it's -- you know, as well as I do, that the
15:26:29 24 Palestinian Authority has advocated before the United
15:26:37 25 Nations and before the world that it should be treated

1 as a member state of the United Nations. Maybe it
2 should. Maybe it shouldn't. I don't know.

3 But I'm asking simply whether it's the
4 position of the Palestinian Authority that it should
5 be treated as a state and should -- should be permitted
6 to be a member state of the United Nations?

7 MR. McALEER: Objection to form for the
8 reasons stated. And, additionally, if that's your
9 construct and solely your construct, that has no
10 relevance to this case.

11 MR. SCHOEN: That's simply not true.

12 MR. McALEER: Okay.

13 MR. SCHOEN: Well, are you instructing the
14 witness not to answer?

15 MR. ROCHON: Yes. I'm instructing him not
16 to answer that question.

17 If you say: Does it consider itself to be
18 one now -- that's the question? Does it say that it
19 is a state, not whether it should be? "Should" is a
20 prescriptive. That's the problem with the question.

21 As phrased, I'm instructing him not to answer.

22 MR. SCHOEN: Okay. I'm asking both questions.
23 So you need to decide --

24 MR. ROCHON: Then break it up.

25 MR. SCHOEN: I'm asking both questions:

Whether it considers itself to be a state --

MR. ROCHON: Right now?

MR. SCHOEN: Yes.

-- and whether it considers itself -- whether it believes it should be treated as a state.

MR. ROCHON: Right now?

MR. SCHOEN: Yes. Whether it believes it should be treated and welcomed in as a member state of the United Nations.

MR. ROCHON: Okay. If you break it up that way, I won't instruct.

MR. SCHOEN: Either way, you would instruct him not to answer? What's the basis for instructing not to answer?

MR. ROCHON: On the first formulation, whether it should it be a state, it's simply what -- is so confusing that it's going to lead to a mistaken answer. It's -- it's a belief.

Should it be a state? Certainly the Palestinian Authority should be a state some day. You have to decide whether or not it is currently a state. All we're here for is to find out whether it currently has a capacity to be sued.

MR. SCHOEN: That's what it is. Do you understand that to be a basis for an instruction not

15:28:32 1 to answer under Rule 30?

15:28:35 2 MR. ROCHON: On -- on the "should" which
15:28:35 3 gets into all these diplomatic issues and the current
15:28:37 4 position of President Abbas, yes.

15:28:39 5 MR. SCHOEN: So your objection is on political
15:28:39 6 grounds or diplomatic grounds?

15:28:42 7 MR. ROCHON: As to what should happen in the
15:28:43 8 future? That's a political issue. That's not what he's
15:28:44 9 here for. He's here to talk about what our client is
15:28:47 10 today. Ask him about today.

15:28:49 11 MR. SCHOEN: And if -- I'm going to ask him
15:28:49 12 the questions. You can instruct him not to answer.

15:28:51 13 MR. ROCHON: Just -- just ask a clear one.

15:28:56 14 Q. BY MR. SCHOEN: Is it the PA's position that
15:29:00 15 today or sometime in the near future the United Nations
15:29:10 16 should treat the Palestinian Authority, as it currently
15:29:19 17 exists, as a state?

15:29:22 18 MR. ROCHON: Objection.

15:29:23 19 I'm going to instruct him not to answer.

15:29:26 20 That goes to diplomatic issues as to what
15:29:30 21 the current diplomatic views are of our client. I
15:29:34 22 will not object to any questions about what its current
15:29:36 23 status is.

15:29:36 24 MR. SCHOEN: Is that because it involves the
15:29:39 25 U.N., or in any circumstance? If I ask whether -- let

15:29:41 1 me finish -- whether -- whether it should be considered
15:29:45 2 a state for any purpose in the future?

15:29:54 3 MR. ROCHON: If you ask me whether my client
15:29:56 4 aspires to be a state, the answer would -- I wouldn't
15:29:56 5 object. Because we all know that it aspires to be a
15:30:00 6 state.

15:30:00 7 But if you start talking about the mechanisms
15:30:02 8 by which it achieves, either through U.N., general
15:30:06 9 observer status, Security Council, withdrawing or not
15:30:10 10 withdrawing that, I object to those, and I'll instruct
15:30:12 11 him not to answer.

15:30:13 12 It's currently the subject of intense debate
15:30:14 13 with the Arab League and other folks. This witness
15:30:17 14 is not here to discuss the diplomacy of our client.
15:30:20 15 And I will instruct him not to answer those kinds of
15:30:22 16 questions.

15:30:29 17 Q. BY MR. SCHOEN: As it exists today, is it
15:30:38 18 the PA's position that it's qualified to be a state?

15:30:56 19 And by a "state," I mean a member state
15:30:58 20 of the United Nations or a state for purposes of the
15:31:07 21 International Criminal Court.

15:31:17 22 MR. McALEER: Objection as to form.

15:31:39 23 THE WITNESS: I believe there is a big
15:31:40 24 distinction or we should differentiate between what
15:31:45 25 we aspire for as Palestinians and our actuality.

15:31:53 1 Our ambition is to have a state like any other
15:31:57 2 people in -- in the world. The only country or people
15:32:04 3 that does not have a statehood in the 21st century
15:32:10 4 is us. And our ambition for sure it is to achieve
15:32:16 5 statehood. This is our legitimate right. This is
15:32:23 6 something. But what you are asking about is something
15:32:26 7 entirely different.

15:32:31 8 This is, I believe, a political issue more
15:32:34 9 than being a legal or legalistic issue. And if the
15:32:42 10 political talks were continuing proceeding, there would
15:32:47 11 have been no need to head to the United Nations. And
15:32:57 12 I also believe seeking the United Nations was a way
15:33:03 13 in order to activate water which is stale, to move
15:33:12 14 the -- the stale water.

15:33:14 15 CHECK INTERPRETER HAZOU: "Still waters."
15:33:16 16 Yes.

15:33:22 17 Q. BY MR. SCHOEN: If a person lives in the
15:33:24 18 area governed by the Palestinian Authority -- and I
15:33:28 19 think I only have about two or three questions now --
15:33:32 20 if a -- does that person have the right to say that
15:33:53 21 he's not -- he or she is not subject to the authority
15:34:10 22 of the Palestinian Authority?

15:34:20 23 MR. McALEER: Objection to form and beyond
15:34:21 24 the scope.

15:34:21 25 THE WITNESS: I already answered this question

15:34:23 1 previously.

15:34:23 2 Q. BY MR. SCHOEN: I didn't hear the answer,
15:34:25 3 then. I need another answer.

15:34:29 4 A. No problem. That's not my problem.

15:34:31 5 Q. Do you refuse to answer the question now?

15:34:38 6 A. You haven't heard -- you haven't heard me.
15:34:41 7 You haven't --

15:34:45 8 MR. SCHOEN: Let the record reflect, as
15:34:46 9 we did before, the witness just pointed at me and
15:34:48 10 raised his voice. That's my observation of what
15:34:51 11 happened here. He picked up a pen and pointed the
15:35:04 12 pen at me, demonstrating while he was talking.

15:35:09 13 Now that doesn't bother me. But
15:35:12 14 Mr. McAleer put on the record before what he said
15:35:15 15 was his observation that I had raised my voice and --
15:35:20 16 and did something with my finger into the table.

15:35:35 17 MR. McALEER: Well, the good thing is that
15:35:36 18 we have a video of Mr. Amawi, which will fully confirm
15:35:43 19 how patient Mr. Amawi -- Amawi has been during this
15:35:47 20 entire exercise and his -- his commendable efforts to
15:35:53 21 respond to your questions. So I suggest that you get
15:35:57 22 through with the remaining question or questions that
15:36:02 23 you have.

15:36:05 24 MR. SCHOEN: I think I have a few more now.

15:36:09 25 THE WITNESS: I answer again -- and I

15:36:14 1 apologize if I spoke with a loud pitch. My purpose
15:36:18 2 is not to minimize the importance of anybody.

15:36:26 3 But I have said, first and foremost, that
15:36:29 4 I'm here as an attorney and I am proud of that. And
15:36:38 5 I don't like people to ignore me. I assume that, when
15:36:40 6 I ask a question for a witness that I am listening to,
15:36:47 7 I should focus on getting the answer to the question
15:36:52 8 rather than him talking to his colleague.

15:37:00 9 I am sorry to inform my colleague, the
15:37:03 10 attorney, without exaggeration, that more than
15:37:13 11 40 percent of the answers that I was giving to him
15:37:17 12 he did not listen to, because he used to ask me a
15:37:24 13 question and, at the same time, start whispering
15:37:28 14 with his colleague.

15:37:33 15 Although I felt a personal injury in this
15:37:36 16 format, I said nothing. But I do not like the idea
15:37:43 17 that you have not heard me. That's not my problem,
15:37:46 18 because you were talking to your colleague. This is
15:37:51 19 why I'm sorry, I don't feel in a position to answer
15:37:54 20 that question.

15:37:55 21 Q. BY MR. SCHOEN: Let me be clear. When I
15:37:57 22 said I didn't hear that answer, I have heard every
15:38:06 23 single word that you have said. I have listened or
15:38:12 24 spoken to my colleague, who is sitting next to me,
15:38:15 25 only when the answer was being given in Arabic that

15:38:25 1 I couldn't understand.

15:38:30 2 When the translation to English began, I
15:38:36 3 have listened to every word. And, in fact, I have
15:38:43 4 stopped -- I've stopped my colleague from speaking
15:38:49 5 to me in order to hear the answer in English, both
15:38:56 6 to hear the answer and out of respect for the witness.

15:39:10 7 A. (In English.) Thank you.

15:39:22 8 (Translated.) Thank you.

15:39:23 9 Q. Just give me a moment to look over my notes.

15:39:41 10 THE VIDEOGRAPHER: Can we take a break to
15:39:42 11 change the tape?

15:39:43 12 MR. SCHOEN: Yeah. I mean, I think it --

15:39:43 13 MR. ROCHON: Let's take a break.

15:39:43 14 MR. SCHOEN: Just go over my notes.

15:39:43 15 (Simultaneous colloquy.)

15:39:43 16 MR. SCHOEN: Okay. I think I would say I have
15:39:43 17 no more questions.

15:39:43 18 MR. ROCHON: Change the tape.

15:39:43 19 MR. SCHOEN: Change the tape.

15:39:43 20 MR. ROCHON: Off the record.

15:39:53 21 THE VIDEOGRAPHER: Going off the -- the record
15:39:54 22 at 3:39.

15:39:56 23 (Recess from 3:39 p.m. to 3:42 p.m.)

15:42:40 24 THE VIDEOGRAPHER: Back on record at 3:42.

15:42:53 25 Q. BY MR. SCHOEN: Can you please tell me, sir,

15:42:59 1 all of the facts that you believe, as a representative
15:43:09 2 of the PA, that support the claim that the PA is an
15:43:26 3 unincorporated association, as that term has been
15:43:36 4 used by the PA in this case?

15:43:53 5 A. I don't know the term that has been used.
15:43:55 6 I'm not the lawyer involved in this case.

15:44:06 7 If the term "unincorporated association" --
15:44:09 8 does it mean what I mean? If it's yes, it's possible.
15:44:16 9 The term "unincorporated association," maybe there are
15:44:24 10 terms that are used in the American terminology that
15:44:29 11 I'm not familiar with. And, unfortunately, my English
15:44:36 12 is quite poor. My command of English is quite poor.
15:44:40 13 I wish I could be in a better position to understand
15:44:44 14 this term. That's it.

15:44:51 15 Q. Whether it's because of a lack of
15:44:53 16 understanding the term or otherwise, as you sit here
15:44:56 17 today, can you tell us all of the facts that the PA
15:45:12 18 believes supports the claim that the PA has entered --

15:45:21 19 (Pending question partially translated.)

15:45:21 20 Q. BY MR. SCHOEN: (Not translated.) -- that
15:45:21 21 the PA -- that supports the claim that the PA has
15:45:25 22 made in this lawsuit --

15:45:28 23 OFFICIAL INTERPRETER BEN-NAIM: Sorry.
15:45:29 24 I don't get you.

15:45:31 25 Q. BY MR. SCHOEN: As you sit here today,

15:45:32 1 as a representative of the PA, can you tell me the
15:45:37 2 facts that you believe, as a representative of the PA,
15:45:49 3 support the claim made by the PA in this lawsuit that
15:46:00 4 we're a, as the PA has used that term, "unincorporated
15:46:15 5 association"?

15:46:15 6 (Pending question partially translated.)

15:46:15 7 MR. SCHOEN: "Association."

15:46:15 8 (Remainder of pending question translated.)

15:46:25 9 MR. McALEER: Objection.

15:46:26 10 You're talking, Counsel, about something other
15:46:29 11 than what he's been talking about for the last several
15:46:32 12 hours?

15:46:33 13 MR. SCHOEN: I'm asking him now, at one time,
15:46:34 14 to -- in one time, to list the facts that he believes
15:46:39 15 support the claim that the PA is an unincorporated
15:46:42 16 association, as that term is used by the PA in this
15:46:45 17 lawsuit.

15:46:46 18 OFFICIAL INTERPRETER BEN-NAIM: Can I rephrase
15:46:48 19 it for him in the translation? Because I guess --

15:46:53 20 MR. SCHOEN: Sure. Sure.

15:46:53 21 OFFICIAL INTERPRETER BEN-NAIM: -- things
15:46:53 22 didn't get --

15:46:53 23 MR. SCHOEN: Should I say it again for you?

15:46:55 24 OFFICIAL INTERPRETER BEN-NAIM: Yep.

15:46:55 25 MR. SCHOEN: Okay.

15:46:55 1 OFFICIAL INTERPRETER BEN-NAIM: Please.

15:46:57 2 MR. SCHOEN: I'm asking him now whether he
15:47:00 3 can answer me --

15:47:03 4 OFFICIAL INTERPRETER BEN-NAIM: With the
15:47:04 5 agreement of the -- the other side, can you please
15:47:09 6 start from -- from the end? "The Palestinian Authority
15:47:11 7 consists" --

15:47:16 8 Q. BY MR. SCHOEN: The Palestinian Authority,
15:47:16 9 in this case, has made the claim that it is an un --
15:47:23 10 unincorporated association.

15:47:35 11 OFFICIAL INTERPRETER BEN-NAIM: What was
15:47:36 12 translated by the interpreters in this courtroom --
15:47:38 13 in this room as --

15:47:43 14 (Comments in Arabic by Official Interpreter
15:47:43 15 Ben-Naim and Official Interpreter Aghazarian.)

15:47:46 16 Q. BY MR. SCHOEN: And I'm also using the term
15:47:48 17 in English "unincorporated association."

15:48:03 18 Can you tell me now what all of the facts are
15:48:12 19 that the PA believes supports that claim -- supports
15:48:29 20 that claim that the PA is an unincorporated association?

15:48:34 21 (Pending question partially translated.)

15:48:34 22 MR. SCHOEN: "Unincorporated."

15:48:57 23 (Remainder of pending question translated.)

15:49:02 24 MR. McALEER: I believe there may be a
15:49:04 25 translation issue.

15:49:05 1 OFFICIAL INTERPRETER BEN-NAIM: Okay.

15:49:06 2 CHECK INTERPRETER HAZOU: When we say

15:49:07 3 "unincorporated association," it has been translated

15:49:12 4 as being --

15:49:14 5 (Comment in Arabic by Check Interpreter

15:49:14 6 Hazou.)

15:49:16 7 CHECK INTERPRETER HAZOU: -- which to me does

15:49:17 8 not make any sense to be honest.

15:49:19 9 MR. SCHOEN: Okay.

15:49:21 10 CHECK INTERPRETER HAZOU: It may -- they may

15:49:22 11 have -- what I'm asking is as simple as this: Can you

15:49:27 12 please elaborate on this expression --

15:49:30 13 (Comment in Arabic by Check Interpreter

15:49:30 14 Hazou.)

15:49:31 15 CHECK INTERPRETER HAZOU: -- so that --

15:49:32 16 OFFICIAL INTERPRETER AGHAZARIAN: Because

15:49:32 17 a corporation -- I mean, it's the first time I hear

15:49:35 18 this term.

15:49:37 19 MR. SCHOEN: Let me respond, please. Let

15:49:37 20 me respond, as the person asking the question. There

15:49:40 21 should not be, in my view, a translation problem that

15:49:43 22 decides whether this question can be answered.

15:49:47 23 It's the PA that has used the term

15:49:49 24 "unincorporated association" in its filings. The

15:49:59 25 section -- the section of the Rule 30(b)(6) note --

15:50:04 1 motion -- notice that refers to this specifically
15:50:08 2 lists out a witness to be designated who can testify
15:50:14 3 as to exactly what No. 12 says:

15:50:17 4 "All facts relating to the claim by the
15:50:19 5 PA that it is an unincorporated association, within
15:50:24 6 the meaning of that term as used on page 36 of the
15:50:27 7 Memorandum in Support of Defendants' Motion to Vacate
15:50:32 8 Clerk's Entry of Default, filed by the PA in this
15:50:37 9 action."

15:50:37 10 And then there's a reference in parentheses
15:50:41 11 to Docket Entry No. 77.

15:50:43 12 It is our position, so that it's clear, that
15:50:45 13 if there's a problem with translation or understanding
15:50:53 14 the term, then the obligation on the defendants was
15:51:07 15 either to designate a witness who understood that
15:51:11 16 term to the extent that term can be understood and
15:51:19 17 is something other than a legal concept.

15:51:23 18 (Colloquy partially translated.)

15:51:29 19 OFFICIAL INTERPRETER BEN-NAIM: "To the"?

15:51:31 20 MR. SCHOEN: To the extent that term can be
15:51:33 21 understood -- I don't remember exactly what I said --
15:51:36 22 or as something that's a legal concept. But the point
15:51:46 23 is the PA selected that term.

15:51:54 24 OFFICIAL INTERPRETER BEN-NAIM: "Selected"?

15:51:59 25 MR. SCHOEN: "Selected."

15:52:00 1 And we asked that a witness be designated --
15:52:07 2 OFFICIAL INTERPRETER BEN-NAIM: "Be"?
15:52:09 3 MR. SCHOEN: -- that a witness be designated
15:52:11 4 who could explain and give us all of the facts. That's
15:52:22 5 all.

15:52:23 6 MR. McALEER: All right. Well, we're not
15:52:24 7 going to get into a debate on the record in this
15:52:28 8 deposition.

15:52:28 9 I object to the form of your question,
15:52:30 10 particularly to the extent that it ignores the last
15:52:35 11 several hours of testimony in which the witness had
15:52:40 12 stated any number of different facts. So --

15:52:44 13 MR. SCHOEN: All right. Let me -- I'll ask
15:52:45 14 him another question, then.

15:52:47 15 Q. BY MR. SCHOEN: Do you believe that the
15:52:52 16 answers you've given to these questions I've asked
15:52:58 17 you about an unincorporated association state facts --
15:53:07 18 are facts which support the claim that the PA has made
15:53:29 19 in this case that it is an unincorporated association?

15:53:42 20 OFFICIAL INTERPRETER BEN-NAIM: I said also:
15:53:43 21 What was translated here with objection -- with -- with
15:53:52 22 some observations.

15:53:55 23 (Comment in Arabic by Official Interpreter
15:53:55 24 Ben-Naim.)

15:53:58 25 THE WITNESS: (In English.) Okay.

(Translated.) First of all, I am not a specialist on American law. And there is no precedent that I have been exposed to the American law.

When the PA -- cases were raised against it, it assigned relevant people with expertise about the American law system. The job of the people in these American law firms, because they work within the American legal system, is to respond in -- in -- in a way that fits within the American legal system. I say that I'm not an authority and they have the packaging to follow up the matter.

If -- if I wanted to resort to -- there was no need to go to a specialized American law firm in order to deal up with the issue. I responded to the questions that were addressed to me. And this term that has been subject for controversial discussion somehow, so they see, according to the American legal framework, this is the term that -- that will be endorsed.

If the case was being pursued in a different country, most probably they would use a different term. If -- if you use this term of --

(Comment in Arabic by the witness.)

THE WITNESS: -- which is the Arabic, maybe nobody will understand around here. And there is no

15:56:25 1 court system that will be able to understand.

15:56:32 2 But very clearly that this term has its place
15:56:36 3 within the American legal system and it's there. So I
15:56:47 4 believe that I have answered all the questions related
15:56:50 5 to our actuality regarding the status of the PA. The
15:57:03 6 final drafting and how to list these names, what comes
15:57:08 7 first, what comes next, this is -- the final packaging,
15:57:11 8 this is the work of the law firm in the United States.

15:57:15 9 MR. SCHOEN: Okay. No more questions.

15:57:17 10 MR. McALEER: Mr. Amawi, I know it's been
15:57:19 11 a long day, but I have just a few questions for you.

15:57:23 12 THE WITNESS: (In English.) It's okay.

15:57:25 13
15:57:25 14 EXAMINATION

15:57:29 15 BY MR. McALEER:

15:57:26 16 Q. Do you recall Mr. Schoen asking you whether,
15:57:33 17 in preparation for testifying today regarding Topic
15:57:45 18 No. 7 in the Notice of Deposition, Shaher Al-Rai and
15:57:56 19 his imprisonment, Mr. Schoen asked you if you had
15:58:04 20 contacted Shaher Al-Rai to determine when he was
15:58:11 21 released from Palestinian prison following his 1994
15:58:16 22 or '95 incarceration?

15:58:20 23 (Pending question partially translated.)

15:58:42 24 OFFICIAL INTERPRETER BEN-NAIM: "To"? To
15:58:42 25 make sure about the time?

15:58:45 1 MR. McALEER: "His release from" --

15:58:51 2 OFFICIAL INTERPRETER BEN-NAIM: "From prison"?

15:58:52 3 MR. McALEER: "From Palestinian prison

15:58:55 4 following his incarceration in 1994 or '95."

15:58:57 5 (Remainder of pending question translated.)

15:59:01 6 THE WITNESS: Correct.

15:59:09 7 Q. BY MR. McALEER: Do you recall telling

15:59:12 8 Mr. Schoen, in response to that question, that in

15:59:23 9 preparation for your testimony today on that topic,

15:59:25 10 that you had not spoken with Mr. Shaher Al-Rai

15:59:41 11 regarding the date of his release from Palestinian

15:59:44 12 prison?

15:59:51 13 A. I have not talked to him.

15:59:54 14 Q. Did you ask anyone else to attempt to contact

16:00:00 15 Shaher Al-Rai to ask Shaher Al-Rai about his release

16:00:08 16 date?

16:00:08 17 (Pending question partially translated.)

16:00:09 18 OFFICIAL INTERPRETER BEN-NAIM: "Released

16:00:23 19 from"?

16:00:24 20 MR. McALEER: "The Palestinian prison."

16:00:27 21 (Remainder of pending question translated.)

16:00:30 22 THE WITNESS: I reiterate the way I stated

16:00:33 23 earlier. I was asked and declared that I did not talk

16:00:41 24 with Mr. Al-Rai, that this is not my job. And I said

16:00:53 25 that I have searched in my official capacity.

16:00:56 1 And I went to the proper address which, in
16:01:02 2 this case, is the military prosecution. And I answered
16:01:14 3 indirectly on one of the questions that were addressed
16:01:18 4 to me when he said: Does the PA find it difficult to
16:01:28 5 extract the information from Mr. Shaher Al-Rai?

16:01:33 6 And I said: Yes, there are impediments in
16:01:40 7 this respect.

16:01:44 8 I have a colleague with whom -- who is -- who
16:01:52 9 is the head of the center of our ministry in Kalkilya.
16:01:59 10 His name is Nael Ghannam, and he's a friend of Shaher
16:02:07 11 Al-Rai. I asked him, as the head of our center, branch
16:02:16 12 there, without knowing that there is a depo. And I
16:02:26 13 didn't inform why I am questioning about the matter.

16:02:35 14 I told him: Whenever you see Shaher and --
16:02:38 15 ask him indirectly when was he released from the Jericho
16:02:44 16 jail. Of course, this is not official. But I did this
16:02:51 17 as a personal nature. In my representative capacity
16:03:02 18 for the PA, I have no right to go around in this manner.

16:03:12 19 And the response from Shaher was -- and he
16:03:15 20 has no idea that there is a depo. He cursed his friend,
16:03:25 21 this clerk of ours, that: Merely hearing the word about
16:03:33 22 my Jericho ordeal, I could kill anybody that shows up
16:03:42 23 in front of me whenever this is mentioned. And this
16:03:45 24 is an issue that I do not want to remember at all.

16:03:56 25 I did not reveal this before. I said that

16:03:59 1 there are impediments on the issue. Because this
16:04:13 2 clearly was not done in a proper way. It's not my job.
16:04:17 3 But I tried to do it in a roundabout way. That's the
16:04:24 4 answer.

16:04:26 5 Q. BY MR. McALEER: Do you know what Mr. Shaher
16:04:28 6 Al-Rai told your Kalkilya colleague the date on which
16:04:32 7 Mr. Shaher Al-Rai was released from the Jericho prison?

16:04:36 8 MR. SCHOEN: Objection.

16:04:47 9 THE WITNESS: He absolutely rejected -- he
16:04:50 10 refused to -- to delve into the topic whatsoever. I
16:05:05 11 was trying to get the information because it was part
16:05:07 12 of the requirement here.

16:05:18 13 And so, formally, my job was to correspond
16:05:22 14 with the military prosecution, which I did. I cannot
16:05:34 15 summon him: Come, there is a case I want to know.
16:05:36 16 I cannot dictate on him to reveal the information.
16:05:45 17 So this is why, since it's a personal matter, I did
16:05:48 18 not go into detail on this particular subject.

16:05:52 19 MR. McALEER: Those are all the questions
16:05:57 20 I have.

16:05:57 21
16:05:57 22 FURTHER EXAMINATION

16:05:58 23 BY MR. SCHOEN:

16:05:57 24 Q. Mr. Al-Rai -- sorry. Mr. -- sorry.

16:06:05 25 Do you recall when I asked you those questions

16:06:10 1 and you told me that you felt Al-Rai wouldn't speak
16:06:20 2 because he hated the Palestinian Authority or something
16:06:26 3 like that?

16:06:28 4 A. I said this, of course, I -- repeatedly.

16:06:33 5 Q. Do you remember I asked you: How do you know
16:06:36 6 that, or something like that, to that effect?

16:06:44 7 A. And I answered this went public. It was
16:06:47 8 published in the paper. And in all the circles, he
16:06:50 9 was openly cursing the PA. I remember vividly.

16:06:55 10 Q. Do you remember I asked you whether you spoke
16:06:57 11 to anyone in Kalkilya or you went to Kalkilya to find
16:07:01 12 out about it?

16:07:12 13 A. You asked me if you went and tried to bring
16:07:15 14 this information. And I clearly stated that this is
16:07:18 15 not my job. Once again, I'm very lucid and clear on
16:07:26 16 what I said. And I still believe that this is not my
16:07:33 17 job. And what I responded, I stick to.

16:07:40 18 I utilized something which is not kosher, if
16:07:44 19 you like. It is like, you know, draw -- pull his neck
16:07:51 20 and try to get the information. And I did not want
16:07:55 21 to speak about this matter. Because it's as if I was
16:08:06 22 trapping him. I did not inform him that there is a
16:08:09 23 case brewing somewhere.

16:08:13 24 But when my -- my friend, colleague, he said,
16:08:15 25 "Why do you want the date of release?" I said there was

16:08:22 1 an argument when was the date, and I want to know the
16:08:28 2 exact date of the release. So -- so I myself, you know,
16:08:39 3 went in a roundabout way to get the information. And
16:08:42 4 if you went to the military prosecution, of course,
16:08:46 5 no one is in a position.

16:08:53 6 But I clearly stated that there would be
16:08:59 7 impediments and -- and obstacles. And this was the
16:09:03 8 gist of it. And the problem whether he will cooperate
16:09:14 9 or not, and I responded to you.

16:09:16 10 Q. Do you remember that I specifically asked
16:09:17 11 you about your -- about your relationship with Al-Rai
16:09:25 12 that wasn't in your official capacity?

16:09:26 13 (Pending question partially translated.)

16:09:27 14 OFFICIAL INTERPRETER BEN-NAIM: "That wasn't"?

16:09:34 15 MR. SCHOEN: "That was not in your official
16:09:36 16 capacity."

16:09:37 17 (Remainder of pending question translated.)

16:09:37 18 Q. BY MR. SCHOEN: I asked you if you remembered
16:09:38 19 when you were his lawyer and that you had a relationship
16:09:47 20 when you were not a member of the -- not a member --
16:09:50 21 employed by the PA.

16:10:00 22 A. I answered you. And I said I was his attorney
16:10:03 23 and -- and there was no personal relationship, just
16:10:09 24 between a client. If there is a reason, I would have
16:10:13 25 personally called him to get the information.

16:10:17 1 Q. But you understood that I was asking you how
16:10:23 2 you know he would be angry with the PA or wouldn't speak
16:10:30 3 to the PA?

16:10:39 4 A. I answered you also in a legal way, which
16:10:42 5 is familiar to everybody. I considered that. So I
16:11:05 6 do not want to speak about this because there is a
16:11:07 7 specificity in the case. It's not a personal kind
16:11:11 8 of relationship between me and him.

16:11:16 9 His rejection -- I have clearly responded to
16:11:20 10 your query. The man refuses to delve into the issue.
16:11:29 11 He feels it's a black spot. Let's not make an issue
16:11:35 12 out of it.

16:11:36 13 Q. That's what your friend told you?

16:11:39 14 A. Yes.

16:11:39 15 Q. You have no other way of knowing that?

16:11:50 16 A. He had been opening fire in his words,
16:11:53 17 verbally lashing against the -- against the -- bashing
16:11:58 18 against the -- the Authority. And because I know this
16:12:03 19 issue and I know that he's allergic particularly to
16:12:09 20 this issue, I sent somebody to sneak and try to get
16:12:18 21 the information. And even in an indirect, sneaky way,
16:12:22 22 he was intimidated, and there was an outburst, you know,
16:12:32 23 an anger.

16:12:33 24 Q. Were you there for the conversation between --
16:12:36 25 between your friend -- between your friend and Al-Rai?

16:12:44 1 A. Of course I wasn't there.

16:12:45 2 Q. You were not there?

16:12:47 3 OFFICIAL INTERPRETER AGHAZARIAN: "No."

16:12:53 4 THE WITNESS: So why -- I mean, if I was
16:12:55 5 present, why should I ask my friend in order to sneak
16:13:00 6 to get the information?

16:13:01 7 You know, he said: I mean, I asked it
16:13:15 8 innocently. And, you know, the -- the person that
16:13:16 9 asked the question, he said: When I raised this issue,
16:13:20 10 he was furious, and he wanted to -- to stab me.

16:13:24 11 Q. BY MR. SCHOEN: So the truth of this report
16:13:26 12 that you've given us -- that you gave Mr. McAleer, in
16:13:36 13 response to his question, but didn't testify about when
16:13:44 14 I asked you my questions, the truth of the conversation
16:13:56 15 between your friend and Al-Rai is based entirely on
16:14:05 16 what you say your friend told you?

16:14:19 17 A. No. That's not accurate. I responded to
16:14:24 18 you the same answer that I received from my friend.
16:14:28 19 But -- but he entered in -- in further detail, and so
16:14:39 20 I elaborated further. And the principle, it has been
16:14:47 21 the same. This is just a detail. And I consider that
16:14:54 22 it has no weight to move the thing forward or backwards.
16:15:01 23 The principle of his rejecting bringing this issue forth
16:15:06 24 is the bottom line.

16:15:09 25 Q. So when I asked you whether you asked Al-Rai

16:15:13 1 when he was released from prison --

16:15:21 2 A. I did not ask Al-Rai.

16:15:23 3 Q. Let me -- let me finish my question.

16:15:27 4 When I asked you whether you asked Al-Rai
16:15:35 5 when he -- when he was released and you answered that
16:15:39 6 you had not --

16:15:44 7 A. Correct.

16:15:44 8 Q. -- and if I asked you whether you made any
16:15:48 9 attempt to find out from Al-Rai --

16:15:50 10 (Pending question partially translated.)

16:15:52 11 OFFICIAL INTERPRETER BEN-NAIM: To what?

16:15:58 12 Q. BY MR. SCHOEN: -- to -- made any attempt
16:15:59 13 to find out from Al-Rai when he was released -- and
16:16:06 14 the transcript will tell us whether I asked you that
16:16:12 15 or not -- if your answer to that was "no," that would
16:16:20 16 not have been a truthful answer or a complete answer;
16:16:24 17 correct?

16:16:37 18 A. What you say is not correct, for a given
16:16:43 19 reason. Go back to the questions that you have
16:16:48 20 addressed to me. You -- you kept reiterating "in
16:16:53 21 your capacity as somebody coming in to represent the
16:16:57 22 PA."

16:17:03 23 And -- and -- and I am not compelled, as a PA,
16:17:09 24 to talk to you. I did not speak all of this in -- in
16:17:18 25 my capacity as a PA representative. All your focus

16:17:28 1 is that you, in your capacity as PA, have shortcomings
16:17:33 2 and failed to respond to your responsibilities. And
16:17:40 3 I will answer in the same size that you are putting
16:17:45 4 your questions to me.

16:17:46 5 Q. Did you take any other steps in your capacity
16:17:49 6 other than as a PA representative to investigate or
16:18:01 7 prepare yourself to testify today?

16:18:17 8 A. I looked into the Accords -- into the Oslo
16:18:22 9 Accords, not in an official capacity. I asked the
16:18:26 10 colleagues regarding certain legal aspects in a regular
16:18:29 11 legal debate discussion, without anybody, as lawyers,
16:18:35 12 who know what -- what we are talking -- talking about.

16:18:40 13 Q. What's the name of your friend in Kalkilya
16:18:43 14 who spoke to Al-Rai?

16:18:45 15 A. Nael Ghannam.

16:18:50 16 MR. SCHOEN: Thank you. No more questions.

16:18:52 17 MR. McALEER: No more questions.

16:18:53 18 THE VIDEOGRAPHER: That concludes the video
16:18:55 19 deposition at 4:18.

20 (The deposition concluded at 4:18 p.m.)
21
22
23
24
25

CERTIFICATE OF WITNESS/DEPONENT

I, JAWAD AMAWI, witness herein, do
hereby certify and declare the within and foregoing
transcription to be my examination under oath in said
action taken on September 6, 2012, with the exception
of the changes listed on the errata sheet, if any;

That I have read, corrected, and do hereby
affix my signature under penalty of perjury to said
examination under oath.

JAWAD AMAWI, Witness

Date

CERTIFICATE OF REPORTER

I, BRENDA MATZOV, CA CSR No. 9243, do hereby
certify:

That, prior to being examined, the witness
named in the foregoing deposition was duly affirmed by
me to testify the truth, the whole truth, and nothing
but the truth;

That the foregoing deposition was taken before
me at the time and place herein set forth, at which time
the aforesaid proceedings were stenographically recorded
by me and thereafter transcribed by me;

That the foregoing transcript, as typed, is a
true record of the said proceedings;

And I further certify that I am not interested
in the action.

Dated this 26th day of November, 2012.

BRENDA MATZOV, CA CSR No. 9243

ERRATA SHEET

*** SHABTAI SCOTT SHATSKY, et al., v.

THE SYRIAN ARAB REPUBLIC, et al. ***

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JAWAD AMAWI, Witness

Date

SEPTEMBER 6, 2012 - JAWAD AMAWI

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